**14.51 hrs.**

Title: Further discussion on the Electricity Bill, 2001 moved by Shri Anant Gangaram Geete on 8 April, 2003.(Bill passed)

MR. CHAIRMAN : The House shall now take up discussion on Electricity Bill, 2001. Shri Sontosh Mohan Dev.

SHRI SONTOSH MOHAN DEV (SILCHAR): Mr. Chairman, Sir, the Electricity Bill 2001 was sent to the Standing Committee on Energy on 31st August 2001 for examination and report.

Having considered the importance of this Bill, it was publicised on electronic media and in the national press. The Committee went round all over the country and took evidence from various Merchant Chambers of Commerce and State Governments, and also held discussions in Delhi calling the Power Secretaries. We had interaction with various public sector undertakings, with the Power Ministry and various other organisations.

Power is the main element of infrastructure, rather critical infrastructure, for economic development and for improving the quality of life. It is rather the mother of all industries. The hon. Minister of Power himself, in spite of the fact that he is the Power Minister, did take a critical view yesterday of the country's overall power situation. It is unusual of a Minister to confess the present situation and asking himself for improving it.

This Bill was recommended by the Committee. The Committee made 112 recommendations. Out of these, 58 recommendations have come as amendments from the Government side and 31 recommendations are being considered to be attended to at the time of framing the rules and making the policies. I would come to that later on.

Power is a Concurrent Subject. The State Governments as well as the Central Government have got the power to make rules on this subject. I am glad that some of the States like Haryana and Orissa have already taken certain steps in

power sector. Only yesterday, the Assam Government has passed the Electricity Bill which is modelled on the basis of Bill we have at hand.

At the time of Independence, the Department of Electricity was the sole agency responsible for generation, transmission and distribution of electricity in the country. After that, the Government took initiative and set up NTPC, NHPC and other PSUs. Today, around 70 per cent of power generation, and 100 per cent of distribution is State-controlled. The Government of India, especially the present Government, has no hesitation to open this sector up to private sector. It has formulated policies to welcome the private sector for investment in power sector.

We have five lakh villages in the country. There is an estimate given by the Government, which the hon. Minister mentioned yesterday, that eighty thousand villages are yet to be electrified. I am sorry to say but I cannot agree with the Minister on that figure. The actual figure is much higher. You go to Jharkhand; you go to Bihar - I have gone with my Committee - you go to Sunderbans area; you go to the hilly terrain of Chhattisgarh and Dehra Dun areas.

But till date, the electricity has not reached those villages. One electric light planted in one village is the criterion by which they are considering that they have done electrification! I do not blame the hon. Minister. He has taken the figure which was examined by an independent organisation earlier. I would submit that it needs to be revalidated now. His thrust should be to cover those villages not only with hydel power but also with thermal power. He should also consider the non-conventional energy. There should be more and more tie-up between their Ministry and the Ministry of Non-Conventional Energy Sources which has got tremendous possibilities.

Mr. Chairman, Sir, during our Committee tour to South, we were glad to see various NGOs coming forward and taking active interest in this area. If you go to Sunderbans area, you will find that they have done well. In Lakshadweep also, they have done well. So, this is one area where I would suggest that the Government should take special care.

Sir, there is a shortage of power during the peak period. There are many areas today where power at demand is not available in the town areas. Even in the city areas, it has become difficult to get the power on demand. Why such a situation has arisen? This situation is mainly due to the fact that there is a mismatch between the hydel power and the thermal power in the country. Where there is more thermal power, there is less hydel power, and where there is more hydel power, there is less thermal power. Most of the projects have been done for political considerations. A very few of them are on the pit-heads. As a result, coal is being carried through 200 kilometres to 300 kilometres distance. There is a wastage of coal; there is a theft of coal. It adds to the cost per unit of power production. Even the quality of coal is not that good, as it should have been ideally used in the power sector. Not only that, the energy and power shortages are also reported. The figure is with me. It has been provided by his Ministry. It is at the level of eight to 12 per cent respectively.

Sir, before Independence, our position of power was 1,362 mega watts. Now, we have improved it to one lakh mega watts. It is a very good achievement. I must compliment our engineers of the public sector power companies because most of these works have been done by them. Some work has been done by the private sector people also. For doing all this, I must congratulate NTPC, NHPC, NEC and other organisations.

There is another point. The control of power today with Govt. is 60 per cent. The generation of power is with the State sector. So, we need to revitalise the State sector. The Securitisation policy given by the Ahluwalia Committee has been accepted by the Central Government. It has also been accepted by the State Governments. It is a good venture. We should go ahead. But what has to be done to those five lakh villages which are partly electrified? We, from the Standing

Committee on Energy had recommended that 60 per cent of the villagesi.e power

distribution in villages, should be done by the Central Government be.Ecause the State Governments do not have the money and the capacity to do electrification.

Sir, I know that the Government of India is asking the State Governments to take loans from the Power Finance Corporation. They are very liberal. Their rate of interest is also not high. But what happens if they take the money next year? They cannot give the Utilisation Certificate and thereby they do not become eligible for taking money.

Sir, APDPR scheme has been started. Mr. Minister, I have seen your Press release. More villages, more towns and more districts should be covered. So, I would suggest that this APDPR scheme should be implemented extensively all over the country.

Now, on the performance side of SEBs, I would say that there is a lack of quality; there is a lack of reliability; there is a lack of sincerity; and there is a huge loss on account of, what is technically called, Transmission and Distribution (T&D).

**15.00 hrs.**

Now, we suggested that a law should be made. The loss that is incurred by workers should be made a cognizable offence. You have accepted it. Some State Governments, like West Bengal, has already started it; Haryana has already started it, and they are successful. This area should be given more importance. It is because on a careful study, there is an average loss of 35 per cent of generated power by theft. This is a national loss. I, in my constituency, have seen that the transformer is being burnt. When I go to the SEB, they say that there are 100 consumers, but actually 200 people are utilising this power. The balance 100 people are taking power through this illegal method. So, these rules must be made compulsory all over the country, and we must see that they should be done properly.

Now, your Government and our previous Governments, have all agreed in one point that by 2012, we should have 1,40,000 mw. But, to do it, you need Rs. 6,00,000 crore; and for that, you need private sector.

Now, what is the position of private sector? If you go through you record given before the Committee, the number of applications that have been submitted is more than 150. Fifty-one have been given permission, and only a few have come into existence. Why is it so? It is because of the multiplicity of the organisations like CEA and others. We have been insisting that there must be one window clearance. I attended one International conference in Delhi, when the outside entrepreneurs came. They said by the time they submit a proposal, by the time it is approved, the cost goes up. Why? It is because the Budgets of different States go up. Railway fares go up. Price of coal goes up. Price of everything goes up, and that adds to the cost of the power projects, as it becomes an unviable project.

Now, for this purpose, clearance of the private sector should be given quickly. The Government has now decided that up to certain quantity of hydel projects or for certain thermal projects, you need not go to the CEA. It should be further liberalised. There should be a group who should look into it. I am not criticising the Bill. I am welcoming the Bill. But, I am asking for certain additional alterations from my experience of touring all over the country. Normally, as a Chairman of the Standing Committee, I should not speak, but I am speaking because of my support to the Bill.

Now, there is ample opportunity to harness hydel projects in North-Eastern region, in Himalayan region, in Uttaranchal, and in Jammu & Kashmir region. But, there are constraints of speedy approval of hydel projects, especially, from the CEA. The Ministry of Environment and Forests are the dog in the manger. I am sorry to say this. I have seen as a Steal Minister myself. They will neither allow you to do it nor they will approve your project. But, let them to go to foreign countries. I have seen that in Russia, inside the deep forest, there is a power plant; and they have taken all precautions to protect the environment. This is possible nowadays. In Tripura for one monkey, the gas plan waited for three years. Subsequently, the monkey was removed from a particular forest. The Tripura Government gave permission.

Now, resettlement and rehabilitation is another area. When you make a hydel project or a thermal project, resettlement of the house or the person whose land is taken, is not done properly.

Previously there was an incentive that they will not only get rehabilitation, there will also be a job incentive for each one of them. This is not being done nowadays. I do not know; I understand that the Government has taken a decision. That should not be there.

I will now come to mention about Tipai Mukh hydel project. The hon. Minister of State for Power is sitting here; she has visited that area; she knows it, why it has become unviable. It is because of the fact that the security cost, the flood management cost, the construction or diversion of a by-pass, etc. are loaded on the project. If these are all loaded on the project, naturally it will go up. They are loaded on the project on the basis of 12-year gestation period. This should be brought down to 6-7 years; and automatically the cost per unit will come down.

Apart from that, for reasons like disturbances in Kashmir and North-Eastern Region, the security cost must be borne by the Home Ministry. The floods which Brahmaputra and Barak create must be a cost borne by the Ministry of Water Resources. It should not be loaded on to the Project. If it is done, it will be a wrong thing to do.

There is a mismatch between generation and transmission in the country. As against the thumb rule of 1:1 in generation and transmission, investment has been lopsided and raised from this to 2:1. That is not correct. We recommended that generation is already opened. You have now left it to the Regulatory Commission. That is not very fair. ...(*Interruptions*)

Mr. Chairman, Sir, let me also understand you. Shri Ponnuswamy is an old friend of mine. Kindly do not rebuke him. He is a nice person.

MR. CHAIRMAN : They were all talking. I told him that I heard everything.

SHRI SONTOSH MOHAN DEV : Okay, please do not mind that.

The Regulatory Commission must be accountable to Parliament. You have been briefed by the officials to say that the CAG report is placed on the Table of Parliament, and so, automatically they are answerable. No. Even if CAG report is placed, the first onus of examining them lies on the Public Accounts Committee. The Public Accounts Committee also does not take all the things at a time; they take bit by bit and it takes one to three years for reports to come out. Unless they are answerable, it cannot be done. You have come to this Ministry very recently. There was a time when the Chairmen of the Regulatory Commissions in the States were rather fighting with the respective Power Ministries in the States. Fortunately with the intervention of the Ministry that has now been overcome.

You have given a term of five years; that is also good. My Party is supporting this Bill. We are not bringing forward any amendment. We will request you that this particular aspect should be looked into. When you reply, we would like to get an assurance from your side that this particular aspect will be looked into, and before you go to the Rajya Sabha, you have to do something. Otherwise, we have to bring an amendment in the Rajya Sabha.

The second thing that we are asking is about rural electrification. We need to lay more stress on rural electrification. Today, electrification in rural areas is not a luxury; it is a necessity. Even an agriculturist uses electric pump. That is a necessity and not a luxury. So, more thrust should be given for electrification in rural areas. I am sure that PMGI has been introduced now and each one is giving money. You should try and make it. I know that this Department cannot do, but the Ministry of Rural Development should be asked to give more money for rural electrification than what they are giving now.

We are also not against subsidy. There is a hue and cry in certain parts of the country about cross-subsidy. Our Committee has seen that subsidy is being misused. Why?

Suppose, you are giving free 'x' quantity of power to an agriculturist. What happens? He utilises more than that as there is no check. Power is given for agricultural purposes but he uses electrification for refrigeration, air-conditioners, in fact every other electrical thing is on this subsidy. So, the first thing that we have said is, subsidy should be given but that shall have to be compensated to the Electricity Board. Today, electricity boards are producing power and the Government is giving free subsidy and free power to agriculture and other small-scale industries. There is nothing wrong in it but there must be provision to compensate to the electricity boards.

Secondly, the electricity which is given must be metered. It must be specified that per *bigha* of land will get so much of electricity free and for the balanced consumption one will have to pay to the Electricity Board. Today, a person takes electricity and misuses it. In India, in a planned economy we are still to see that this does not happen. I am sure the cross-subsidy at this moment will be rationalised and there will be nothing more to that.

Electricity Boards are on debt. They are not able to pay the salaries to their staff. The securitisation of SEBs is a

step in the right direction but the Government should ensure that SEBs do not fall into debt trap again. They must give you the plan that this securitisation will help to stabilise. I have seen in certain States, no billing is done for one year in rural areas. Some of the areas have gone for collection by the *panchayat*, which they consider is better. One of the persons is empowered to make billing and collection but there are a lot of defaulters. It has to be streamlined.

Last but not least, something has to be done by the Government about the Central Electricity Authority. I need not say, it has improved a lot. A new Chairman has come. He is more pragmatic and reasonable. Unless it is done, it will be very difficult. I have got one instance. One hydel project, namely BANANA Hydel Project was completed in three years' time. Indravati project of Orissa took 23 years to be completed. What will happen if a project takes 23 years to complete? We have seen four ministers and three Secretaries having come and gone. You still have one from the private sector. I do not know what will happen. I hope during my tenure I will get Tipaimukh done. More time should not be wasted now. Manipur has signed an MoU. No objection has been given by the Assam as well as Mizoram Governments. So, it should be done and the cost also should be adjusted.

I could understand from the discussion with the officials that out of 110, 93 recommendations have been accepted by the Government of which 58 amendments are being moved by the Government as official amendments; 31 recommendations are to be incorporated while framing the rules and regulations.

Now the former Ministers from my Party who are very experienced also, say that these assurances for policy changes should have some legal sanctity. If that is done, then it will be easier for them to get it done through the Ministry of Law, Cabinet Committee, and others. It is not possible for you to accept it now. You would be going to the Rajya Sabha. We have recommended the outer time- limit of one year. But if you want to increase it to one and a half years, you could do it. But later on whosoever would be the Minister or the Secretary, that will be mandatory on them to get it passed. Otherwise, it will lose sight.

With these words, I feel happy to support this Bill and I wish you all the best. Let us hope this will bring light to the country as also to the poorest of the poor in the rural areas. I hope it will solve the problem of electricity during peak periods in the city areas. Let us hope that power will be the main infrastructural commodity for us in future. I hope as we are getting telephones on demand today, we would also get electricity on demand.

SHRI VIJAYENDRA PAL SINGH BADNORE (BHILWARA): Sir, I stand to support the Electricity Bill, 2001. I was also very happy for the support that we have got from the Chairman of the Standing Committee on Energy. But I am really surprised that he has quoted the Secretary having given assurance that out of 112 recommendations, so many have been accepted, so many are going to be put in the policy, rules, regulations, and so on. It is our duty to find out how many are accepted and how many we feel are actually accepted. We do not have to go to the Secretary and ask him what has been done.

At the outset, I heartily compliment our Government and our Minister for finally bringing this much awaited and much needed Electricity Bill to reform the power sector which has been ailing for a long time. However, any discussion on the Bill without paying tribute to the late and former Minister of Power, Shri Rangarajan Kumarmangalam would be incomplete and I think we would not be doing justice to this Bill. It is because it was his vision and dedication which made it possible. I remember in the Chief Ministers' Conference in 2000, he had put up a paper for the reforms in this sector and he said that we must have a comprehensive Bill. Till that time, it was only through piecemeal amendments to the three existing Bills of 1910, 1948, and 1998, ERC Act which was also piloted by late Rangarajan Kumarmangalam.

Sir, I would like to give credit to Shri Suresh Prabhu. He was the Minister who really had brought forward this Bill and the time that he was in the Ministry he had deliberated with us on this. It is because I was also a Member of the Consultative Committee of this Ministry. He had a lot of vision and thinking on this and, therefore, I would like to compliment him for this (bill) .

Sir, I would not like to go into the details because power sector is a very complex and complicated one. But our hon. Minister, in a very short time, has been able to grasp the nuances and intricacies of this sector and therefore, I would like to compliment him as well. But an impression seems to have been created that most of the recommendations of the Standing Committee, as was being mentioned by the Chairman of the Standing Committee on Energy, have been accepted. But I would like to differ with him completely on this. I have gone into the details of each one of them. I find that the critical recommendations − if there are 112 recommendations, all of them cannot be critical, the ones that are not critical have been put in the Bill and a few remaining ones would be incorporated as and when the rules and regulations would be framed − have not been accepted. It was recommended that if the Government proposes to incorporate the recommendations of the Committee in the rules and regulations to be framed, then when are those rules and regulations going to be framed? That was one of our first recommendations. It was recommendation no. 1.21. In that the Committee recommended that a timeframe must be put for this. But the Ministry has not accepted that.

Sir, let me now come to the specifications and critical areas as to where the recommendations have been very specific and I would like to have some good answers from the Minister. Otherwise I would feel that he has been misled. There should not be any misunderstanding between us. I have great regard for our hon. Minister. He is also my neighbour. I have a lot of faith in him.

Sir, keeping in view the critical importance of electricity for our people, I would be failing in my duty if I do not point out some serious aberrations in the Bill that may defeat the very purpose of reforms that are sought to be undertaken. A new direction is sought to be provided through this Bill. It was a vision of the late Kumaramanglam and Shri Suresh Prabhu.

Sir, I would like to briefly highlight some of the critical areas. Firstly, the notification of the regulations is one year. That is our recommendation no. 1.22 and 10.38 and I would like to remind the hon. Chairman of our Committee in this regard. In order to bring transparency in predictability in power sector, particularly for private investors, the Committee had suggested that the Bill be amended to require Regulatory Commissions to issue all regulations within one year. This would help avoid case to case discretionary approach. The recommendation of the Committee has been rejected.

Secondly, liberalisation of distribution. This is recommendation no. 6.35. The Committee had recommended that the distribution ought to be opened up subjected to competition. There will be no reforms in this sector without competition and in the interest of the power sector competition is the main thing. The Committee had stated and I quote, `It is imperative that transmission and distribution are also unshackled from restrictive use'. The Committee had recommended that distribution be subjected to non-discriminatory open access within a timeframe.

Unfortunately, this recommendation has also been rejected. On the contrary, the provision regarding the issue of a second licence for distribution has been made more restrictive. Even in the Bill of 1910 this was not there. You are making it more restrictive. They are saying that grant of the second distribution licence in the same area is permitted. Now many new conditions are being suggested through amendment at serial number 22. Now the Central Government will prescribe the requirements to be fulfilled for a second licence in any area; it may be in my area or in your area or even in Mr. Chairman's area. This will only help to continue monopolies and will hurt consumer interests.

The third recommendation of the Committee is with regard to open access for transmission. It is contained in para 7.55 of the Committee's Report. In this report, the Committee had stated that in its opinion non-discriminatory open access to transmission system is a panacea for ushering power sector reforms especially for private sector participation to a large extent. This is what you are talking about. The Government has rejected this recommendation as no amendment has been proposed on this as well.

Our fourth point was about ownership of private transmission companies. On this, the Committee had recommended that private transmission companies should be prohibited from having ownership interest in generation and distribution as this was necessary to avoid conflict of interest. The Government seems to have rejected this recommendation also. It is a very dangerous situation that we can get into because we were in the SEBs Government monopolies. We may be heading into a private sector monopoly if this is not accepted.

Our fifth point was regarding open access in a definite time frame at para 8.68. The Committee felt that open access is key to the power sector reforms, particularly on distribution. The Committee, therefore, recommended that open access might be introduced in a phased manner, within a definite time frame. The Government has rejected this critical recommendation and left it entirely to the sweet will of the respective State Commissions who will implement open access as and when they wish. Everybody is talking about open access. If you do not have it and if the State do not have it, how will you be able to really wheel the electricity from one area to another? Are you going to wait for another ten years for this?

On the contrary, let me say that a new clause has been put forth there. This is clause 42(4) and this will impose a new charge on open access. On top of it, all these provisions will only help monopolies and hurt consumer interests.

Our sixth point was about re-employment of members of the Commission. Whatever Chairman of the Standing Committee has already very rightly pointed out, I am only reiterating it. At para 13.36 the Committee had recommended that the members of the Regulatory Commissions should not be eligible for re-employment in the respective States. This is also a provision in the ERC Act of 1998 and eight States have also got this whose reforms you were talking about. We have got something new. If the Government wishes to permit re-employment in the same State, it will compromise their independence. There will be no autonomy in the SERCs.

Our seventh point was about power of removal at para 13.38. This is very dangerous. The Committee had recommended that the power of removal might continue as per section 7 of the ERC Act. A similar provision exists

in eight States. You know the reforms that they have done in eight States where removal is possible by the President or the Governor after a fair inquiry. The new Bill allows removal by the Minister, by the CM, upon inquiry by a retired judge who will head the appellate tribunal. This will make the members vulnerable. When the President or the Governor is doing it, why are you getting in to it? There will be no autonomy then and they will have to be subservient to the Government. But the Government has rejected the Committee's recommendation on this as well.

Our eighth point was about a separate fund for the Commission at para 13.46. We deliberated on this. We really deliberated this with a lot of Members and this was our recommendation no. 13.46. ERC Act, 1998 and eight States reform Acts require the expenses of Commissions to be paid out of the Consolidated Fund. This means approval by the legislature or the Parliament. Several States suggested that creating a separate fund will result in lack of transparency and create doubts of financial probity or conduct of the Commission leading to lack of confidence and inviting public criticism. Even the Supreme Court and High Courts function out of the Consolidated Fund. These people are going to make their own Budget. The Committee felt that the Regulatory Commissions will perform essentially Government functions. It recommended that the provisions of ERC Act should continue with the Consolidated Fund. Despite nine existing laws and the Standing Committee's recommendation, the Government has chosen on the contrary to reject it.

My next point is about legislature's oversight. These are recommendations nos. 13.47 and 13.48. The Committee felt that since the Commissions will perform crucial functions relating to the development and regulation of power sector that affects the common man, they should be made accountable to the Parliament and State Legislatures. We are making this. You do not want us to do that. It had recommended that their annual reports and programme of action should be placed before the respective House. It may be State Legislature or Parliament. Their appearance before Parliamentary Committees was also recommended. This also has been rejected.

Next point is control over Commissions. It is recommendation no. 14.22. The Bill provides that the Chairpersons of the Appellate Tribunal who will be a retired judge, will control and supervise all the Commissions in the States and the Centre. This is a strange provision, the type of which does not exist anywhere in the world or in any federal polity. Why should a retired judge sitting in Delhi control and supervise the SERC in Assam or Bihar or anywhere. Why should he supervise the non-judicial functions of the Chairpersons of State Commissions? He is going to say, do this and that. Why? You want to make them autonomy. The States will not like it. This will make them vulnerable and infringe on their independence. The Committee had recommended the deletion of this provision but the Government very wisely has not accepted it.

While summing up, I would like to say that the heart of the new structure lies in the introduction of open access and competition. It also lies in a fair, independent and transparent regulation. Since all the recommendations of the Committee on these crucial aspects have been rejected, the fate of power reforms to my mind, will stand severely compromised. There is every reason to take a second look at these recommendations and I would urge the Government to do the same. Otherwise, I support the Bill.

SHRI RUPCHAND PAL (HOOGLY): Mr. Chairman, Sir, it has been said that this is a new Bill, a self-contained one, and that it is a comprehensive Bill.

**15.34 hrs.** (Dr. Raghuvansh Prasad Singh *in the Chair*)

I have serious reservations about many provisions of this Bill, particularly the rejection of many vital recommendations made by the Standing Committee. I am sorry that I cannot but oppose the Bill. It is because the Bill has failed to address the real problems ailing the power sector in the country. Even at the outset I would like to make an observation. There is a wrong conception being propagated by the media and advanced by the interested parties that there are some people who are against the reforms and there are those who are pro-reforms.

The Left is identified as anti-reforms. It is a wrong notion. Reforms means advancement of technology. It means progress and the civilisation could advance only through reforms. Reforms means rejection of whatever is outdated and what does not work, be it technology, be it the mindset, be it the attitude, whatever it may be. But our question is: reforms in whose interests? We would like to know whether the sort of reforms being proposed are going to serve the national interests, the interests of millions of common people of the country, the peasantry, the rural folk, the workers in the small and cottage industries. This is the issue. While we have been saying that reforms should be country-specific, we are ridiculed. Now, when the Nobel Laureate, the former Chairman of the World Bank and the present Chairman of the Economic Advisory Council of the American Government Mr. Joseph Stiglitz writes the same thing in his book *Globalisation and its Discontents,* you are also considering it.

Sir, in a country with uneven development like ours, you cannot compare the development in the power sector in the Northeast with the development made in Maharashtra and you cannot compare Orissa with some of the advanced States. We are in different stages of development. In the power sector, more than 60 per cent of the responsibility in respect of generation and 100 per cent of the responsibility in respect of transmission and

distribution loss lie with the States only and power is in the Concurrent List. As a result of the Electricity Act, 1910 and the Act of 1948, we have been able to produce power in this country. Of course, it is not true that out of six lakh villages in the country only 80,000 villages are yet to be covered with the supply of electricity. There is tokenism at many places. In certain villages, there is only one post and one light and the Government takes those villages as electrified. It is not correct. In the per capita consumption of electricity, we are one of the lowest, lower than many of the developing countries.

So, we need reforms. But the problem is, wherever the question of reforms comes, it is equated with privatisation, as if privatisation is the panacea. It is not so. The world over, if you look at the experience, electricity is not just like any other commodity. It has become an input to improve the quality of life, industry and advancement of agriculture. In such a situation, we have to find a way out to properly address the difficulties being faced by the State Electricity Boards in respect of generation and loss. But here, we find that it is being proposed to encourage private sector participation in generation, transmission and distribution. Will they come? Why should they come? If at all they come, they will come only to earn profit. If electricity is left to those people and organisations whose sole aim is only profit, our industry, agriculture, small scale and cottage industries will never develop and particularly those areas which are already backward will suffer the most. Is the power divide existing in the country today going to improve in any way?

Is the situation, with regard to urban-rural divide that exist today, going to improve? No. Rather, the rural sector is left to take care of itself. It is a standby. There will be two sorts of consumers. One is the richer section in the urban areas and the other is the poor section, those staying in the remote villages. Who will take care of them?

There have been some issues relating to subsidy. I do not say that the State Governments will continue their subsidy and that the SEBs will have to bear the burden. Ultimately, at some point of time we will have to address the issue. If the State Governments have the social responsibility to cater to the needs of the farmers, to look after agriculture, to encourage them, I do not say that it should not be targeted. I fully endorse the view that there is some misuse of subsidy. But this does not mean that there is no need of subsidy. Even in advanced countries like America and European Union, this way or that way, they provide the subsidy. They encourage the agricultural production. They have the industries, small, medium and large industries. In our country also, the issue of subsidy will have to be looked into not merely as a technical formula but in the larger interest of the country. The IMF and Word Bank have said that let us remove it. Why then the other developed countries are not removing subsidy? But it should be rationalised. It should be better targeted. The merits and demerits should be taken as a whole and it may vary from State to State, from region to region.

There lies the importance of the role of the States. If you remove the role of the States, if you remove the role of the Legislatures, if the withdrawal of the Government as panacea in the name of reforms is there, power sector is one area we should be very careful. We have the experience of Enron. We have been saying certain things that even after 16 per cent of counter guarantee nothing is going to happen because of profit motives. If the purchasing power contract is done in such a manner that consumers will be at the receiving end, then they will never be able to have the off take.

What is the experience of Orissa? In our country, you are taking the US model. What is the Californian experience? In the UK, Ms.Margaret Thatcher was reckless in her reforms process. Today, they are having a re-look at their energy policy, at their gas policy because of the reforms. There is a thinking of renationalisation in certain areas. We should not be reckless. That does not mean that we do not need reforms. That does not mean that the SEBs will go on incurring losses. It should not be like that. But it would have been done, even within the parameters of the 1948 Act. The fault lies elsewhere. The powers that be, they did not implement several provisions of the 1948 Act. They have been liberal for political advantages and certain things have been given away. They did not take into consideration that this may lead to a situation where the SEBs themselves will be in doldrums.

Reforms also means restructuring. Reforms also means strengthening the existing system and getting out of the ills in the system. Strengthening and restructuring is also one of the major aspects of reforms process. We have built up the institutions brick by brick with the sweat, blood and labour of the countrymen. We have built up the assets worth Rs.15,00,000 crore. Will those assets be handed over to the private sector?

Can they give us a guarantee that they will ensure our electricity supply? No. Here lies my objection. We are not against the private participation. It needs to be done. It needs to be done judicially without taking away the rights of the States. CEA had been there. For all these years, they were performing their role. Why should it be made Juggernaut without any authority? They have a role to play in respect of planning and co-ordination.

It has been rightly mentioned by my esteemed colleague just now that it is Parliament and the State Legislatures which are accountable to the people. Whenever there is a problem in the power sector, we have to answer the people. The Committee is of the view that powers granted to the Union and State Governments to issue policy directives under clauses 107 and 108 are sacrosanct and should be sparingly used. The Committee desired that

such policy directives should be laid on the Table of the State Legislature as the case may be for such action deemed to be fit. Has it been accepted? If not, why?

Out of 83 recommendations, they have accepted 60 recommendations. There are certain vital recommendations which strengthen the power sector and made the reform process more meaningful and participatory. I would like to know whether the Government has accepted those vital recommendations of the Standing Committee. No. One IAS officer, one bureaucrat will decide everything.

The Committee observed that under clause 121, the Chairperson of the Appellate Tribunal has been given the general power of superintendence and control over the appropriate Commission and may, from time to time, constitute benches by notification and distribute business among the benches. Why? I do not think that one individual or retired officer or bureaucrat should determine the fate of the power sector. In the 21st Century, we badly need reforms in the power sector. Of course, it is true that certain stringent measures are necessary. We have done it in West Bengal. We have not hesitated to do so when in one major area, there had been 34 or 35 per cent loss. It should be made stringent. We already enacted a law and the people of West Bengal have been readily responding to such a stringent measure. If necessary, we must adopt such stringent measures but without taking away the rights of the States.

Actually, in 1998, when the new legislative measures were proposed in the matter of fixation of tariffs, the rights of the States had been taken away. It should not have been done. The States should have a participatory role and even in the reform process of the power sector, the States should have its say in the matter, they should be allowed to propose an alternative. I am saying that reforms should not be equated with privatisation; reform should not be equated with catering to the needs of the vested interests, the multinational corporations, according to the dictates of IMF and the World Bank. India should have its own reform agenda according to the needs of the situation, according to the level of development, according to the psyche of the people, and according to the availability of technology. We have developed a lot. It had been admitted by the Planning Commission that over the years, these SEBs had functioned well.

But had we intervened at the right time in restructuring the process, the situation we have arrived at now would not have come. So, I oppose the Bill because it is miserably failing to address the current realities in the power sector.

Regarding consumers, I think, the consumer is the last one to be taken care of. He is not being taken care of. What is the definition of 'consumer' in the power sector? Is it the same as it is being done in the Consumer Protection Act? Who is a consumer? The definition should be clearly stipulated.

Suppose a private sector is giving power at an affordable price, but at the peak time you do not have power and only the rich people, who can afford to pay the different rates of tariff being charged, get it according to the needs of different sections of the society, it will create another division in the already divided Indian society. The division will be created not only between the rich and the poor, not only between the urban and the rural, but also within the same family. If there are two brothers and one is unemployed because he has been driven away by the public sector which has been closed and one is just amassing black-money, then how should we do it? Do you have the technology? These are real issues. How do we then address the different levels of development in the Indian society?

How to address the problems being faced by the agriculturists? They are not getting adequate and timely credit and they are committing suicides. We have been discussing the problem of the farmers every alternate day. There is the problem of drought and natural calamity. In such a situation, how best can you cater to the urgent needs of the farming community? Exemptions given to the small and cottage sector are being withdrawn now by the Budgetary proposals. Now you say that whatever little subsidies, which are there in the cottage sector, should be withdrawn. What should they do? This small industry is being asked to compete. Firstly, according to the WTO, the foreign goods are coming and they are flooding the market. They will have to compete with them. The large-scale sector is coming to compete with them. You are saying now that no subsidy would be given to them. If any State Government is providing that, they should have to put that in advance.

What was the recommendation of the Committee? The Committee recommended that the Union Government should provide substantial support to the State Governments' power sector in the matter of providing urgently needed subsidy. Have you accepted that? It is said that the Standing Committee is a mini Parliament. Its reports are adopted on the basis of consensus. You are saying that out of 83 recommendations, you have accepted 60 plus recommendations. Have you accepted this one? The Committee says, "The State Governments cannot bear the burden of the rural sector electrification." What does the recommendation No.4.25 say? "The Committee feels that a sufficient provision should be made in the Bill to ensure that the entire funding for the rural electrification programme is met by the Central Government." It is the recommendation of the Committee. You clearly spell out whether you accept it or not. It is no use just creating some confusion by saying, yes, we are looking into it. Have you addressed the vital recommendation in relation to the States' demand, availability of fund, financial support,

subsidy issue, the farmers' interest and the interest of the cottage and small industries? It relates to the overall economic situation.

This is an important infrastructure. You are speaking about infrastructure fund and concessions to be given for infrastructure development but in respect of power, nothing is said in this year's Budget. There is not a word about it. Does it mean that another Enron, under a new name, would come and take care of it?

We should have our own model of reforms for the power sector as for other sectors. There is no dearth of professionals. We have hundreds and thousands of engineers who are on a par with the best in the world. We have our professionals in the power sector, who are also the best in the world. The private sector is waiting to have their services and offering them, 'You leave the public sector and join me; I shall give you double the salary you are getting now.' They are waiting in the wings. Can we not mobilise their intelligence and know-how to restructure the existing SEBs with the exiting provisions of the 1948 Act and thus strengthen the hands of the public sector and autonomous bodies instead of creating new bodies and strengthening the hands of the bureaucrats and a few retired individuals who have no relation whatsoever with the interests of the common people of this country? The Legislature, the Parliament and the State Governments must be involved in the whole process.

I would have been happy to support this Bill but it is too inadequate. It has miserably failed to address the real issues afflicting the power sector in the country. So, I oppose it.

There are two more hon. Members from my party who would speak on this Bill. So, with these words I conclude. I hope that they would think about the suggestions and points I have made and after a rethinking, if necessary, they would come up with a fresh Bill.

श्री सुबोध मोहिते (रामटेक) : सभापति महोदय, मैं इस बिल का तहेदिल से स्वागत करता हूं। स्वागत इसलिए नहीं करता हूं कि माननीय मंत्री जी मेरी पार्टी से हैं। मैं खुले मन से यहां यह बताना चाहता हूं कि मंत्री जी ने जो बिल बनाया है, वह बड़े खुले दिल से बनाया है। मैंने पूरे बिल के एक-एक शब्द को पढ़ा है। इस बिल की जो थीम है, वह आम कन्ज्यूमर है। कंज्यूमर को पूरी तरह से प्राथमिकता दी गई है। स्वागत इसलिए भी करता हूं कि यह जो मंत्री महोदय हैं, इन्होंने चैलेंज के रूप में इस बिल को स्वीकार किया है। अभी तक के लोक सभा के टैन्योर में आज तक जितने भी बिलों की चर्चा में मैंने पार्टिसिपेट किया है, किसी मंत्री ने अपने जवाब में यह नहीं बोला कि इस बिल को चैलेंज के रूप में स्वीकार करता हूं। मंत्री जी की कल की स्पीच में उन्होंने स्पट रूप में कहा कि बिजली की पूर्ति मेरे लिए चैलेंज है और इसे मैं ओपनली स्वीकार करता हूं। ओपनली चैलेंज स्वीकार करने वाला मंत्री आज तक कोई नहीं दिखा। इसलिए मैं माननीय मंत्री जी का यहां पर स्वागत करता हूं। उन्होंने कोई भी बात नहीं छुपाई। मैं आपको एक-एक बिल का उदाहरण दे सकता हूं। एक माइन्स का बिल आया था। उस बिल पर चर्चा में मैंने भी पार्टिसिपेट किया था। मैं बिल या मंत्री जी का नाम नहीं लेना चाहूंगा। उन मंत्री जी ने बोला कि हमारा पब्लिक सैक्टर बहुत फायदे में है और इस साल 600 करोड़ रुपये का फायदा हुआ है और हमारी बहुत प्रोग्रैस हो रही है। मिनिस्ट्री का एनुअल रिपोर्ट मैं अपने साथ में ले आया था। मैं एनडीए का पार्टनर हूं। इसलिए मेरे भी कुछ रैस्ट्रिक्शंस हैं। जब मैंने देखा कि एक मंत्री बोल रहा है कि 600 करोड़ रुपये का हमारा फायदा हुआ है लेकिन पिछले तीन साल का डॉटा देखा तो उसके पहले हजार करोड़ का था और उसके पहले 1500 करोड़ का था और इस साल 600 करोड़ का था।

**16.00 hrs.**

कहने का मतलब फायदा तो हुआ है, लेकिन ट्रैंड आफ प्राफिट घटता जा रहा है। मंत्री जी ने जो खुली भूमिका रखी है, उसका मैं स्वागत करता हूं। उन्होंने कहा है कि हम अभी तक पूरे देश में 50 फीसदी हाउसेज को कनेक्शन नहीं दे पाए हैं। यह सच्चाई है, जो उन्होंने यहां रखी है। उन्होंने यह भी कहा है कि पूरे देश के करीब 80,000 गांवों में हम बिजली नहीं दे पाए हैं। एक बात यहां बार-बार उठती है, अभी मेरे से पूर्व जो दो सदस्य बोले हैं, उनके भाणों को मैंने सुना है। एक बात की आलोचना हो रही है। मैं आपसे विनती करता हूं, मैं अपने अनुभव से बता रहा हूं कि जितने बिल आए, उनमें जो संयुक्त समितियों ने रिकमंडेशन दीं, आप किसी भी बिल को उठाकर देख लीजिए, कोई भी बिल ऐसा नहीं, जिसमें 50 प्रतिशत से ज्यादा रिकमंडेशन स्वीकार की गई हों। यह पहला ऐसा बिल है, जिसमें ज्यादा से ज्यादा सिफारिशों को स्वीकार किया गया है। एक मुद्दा यह भी उठाया गया कि जो महत्वपूर्ण सिफारिशें थीं, उनको स्वीकार नहीं किया और महत्वहीन सिफारिशों को स्वीकार किया गया। Standing Committee is the highest body. मैं तो यह नहीं मान सकता कि दस में पांच रिकमंडेशंस यूजलैस हैं और पांच इम्पोर्टैंट हैं। मैं तो मानता हूं कि दस की दस महत्वपूर्ण हैं। यह क्रिटिसिज्म फार दि सेक आफ क्रिटिसिज्म हो सकता है, क्रिटिसिज्म आफ दि मैरिट नहीं हो सकता। दोनों सदस्यों की बातों से एक बात और मैंने मार्क की है। उन्होंने कहा है कि इससे मोनोपली हो जाएगी, वह हो जाएगा या यह हो जाएगा। यह जो सरकार की पालिसी है। The Government has to compete with the private sector and with the private players. जब हमारा नेशनल एजेंडा बनाया गया है तो मोनोपली का सवाल ही कहां उठता है। The theme of the Bill is policy making And decentralisation of the power. This is the theme of the Bill.

दूसरी विद्युत नीति जो मंत्री जी ने बनाई है, मैं तारीफ मुद्दों के साथ कर रहा हूं, ग्रैमैटिकली तारीफ नहीं कर रहा हूं। विद्युत मंत्री जी ने जो नीति बनाई है, सभी फैक्टर्स को, सभी अंगों को टच किया गया है। जैसे कि प्राइवेट सेक्टर के पार्टिसिपेशन पर ध्यान दिया गया है। ओपननैस एंड पावर ट्रेडिंग पर भी ध्यान दिया गया है। रूरल एंड रिमोट डिवाइस का नया कांसेप्ट दिया है, decentralisation of management at the level of Panchayats. पंचायत के स्तर पर हमारा कोई बिल नहीं गया इलेक्ट्रिकसिटी के माध्यम से, यह भी दिया गया है। There is an important concept of direct relationship between the consumer and the power generating companies. यहां पर रोजगार के प्रोटेक्शन की भी बात की गई है। सब्सिडी के नाम पर जो विरोधाभास पैदा होता है, जो राज्य देना चाहते हैं, वह भी देने का मौका उनको दिया गया है। नेशनल टैरिफ की भी बात की गई है। इस बिल में सभी अंगों को टच करने से मैं समझता हूं कि यह एक प्रोग्रेसिव बिल है। मैं इस बिल में तीन बातें मुख्य रूप से देखी हैं। Electricity is the prime factor. केपटिव जेनरेशन को बढ़ावा दिया है। इंडिपेंडेंट आटोनोमी स्टेट इलेक्ट्रिसिटी बोर्डों और सीआरसी को दी है। इलेक्ट्रिसिटी ट्रेडिंग कांसेप्ट को बढ़ावा दिया है। कल मंत्री जी ने अपने भाण में कहा कि प्रधान मंत्री जी ने आठ प्रतिशत जीडीपी ग्रोथ की बात कही है। उसको बढ़ाने के लिए सब जानते हैं, लेकिन जब मैंने सब बातों का विश्लेाण किया तो मुझे लगा कि इलेक्ट्रिसिटी एंड इकोनॉमी में जब तक सीधे रिलेशनशिप नहीं होगी, तब तक हम जो बात विकास और आठ प्रतिशत जीडीपी की कर रहे हैं, उसको व्यावहारिक स्वरूप नहीं दे पाएंगे। इकोनॉमी को हमने उदार किया है। जब हम कहते हैं electricity and economy is directly related with each other, तो इकोनॉमी का इंजन, यह बात मैं दूसरे शब्दों में कहना चाहता हूं कि इकोनॉमी का इंजन एनर्जी है और उसका मेन सोर्स बिजली है। उदाहरण के तौर पर मैं बताना चाहता हूं कि पहले के जमाने में जो रेलगाड़ी चलती थी, वह कोयले से चलती थी। बाद में डीजल से चलने लगी और अब विद्युत से चल रही है। कोई भी कांसेप्ट लें, कोई भी

एरिया लें, कोई भी सेक्टर लें, ट्रांसपोर्ट हो या इरीगेशन हो, मशीन हो या उद्योग हों, सबके लिए इंजन इलेक्ट्रिसिटी हो सकता है।

**कुंवर अखिलेश सिंह (महाराजगंज, उ.प्र.)** : आपने ऐसी चुनौती दी कि सदन के अंदर बिजली ही आंख-मिचौनी का खेल खेलने लग गई है।

**श्री सुबोध मोहिते** : कहने का मतलब है कि progress and development is directly related with electricity.

जैसे-जैसे मैं बोल रहा हूं उजाला भी हमारा साथ दे रहा है। सच्चाई को कोई छिपा नहीं सकता है। अब और भी चमक आ रही है। जब मैं कहता हूं कि इकॉनोमी लिब्रलाइज हो गयी है तो इसका सीधा-सीधा मतलब यह है कि इकॉनोमी का जो प्रोफाइल है यह मार्किट डिसाइड करता है और इकॉनोमी और इलैक्ट्रिसिटी का सीधा संबंध है, तो इकॉनोमी को भी इलैक्ट्रिसिटी के साथ मैच करना होगा, तभी डैवलपमेंट के फ्रूट हमारे सामने आयेंगे। इकॉनोमी लिब्रलाइज हो गयी है लेकिन इलैक्ट्रिसिटी उसके साथ मैच नहीं कर रही है उसके दो कारण हमने खोजे हैं। मंत्री जी ने कल अपने भाण में भी खुले दिल से बताया है कि पहली बात क्रॉस-सब्सिडी है। स्टेट इलैक्ट्रिसिटी, अपने बिल में भी उन्होंने कोट किया है कि ऑल सस्टेनेबल कंडीशन में सब स्टेट इलैक्ट्रिसिटी बोर्ड्स आये हैं। फिर हमारा मिस-मैच जो सिंचाई, डिफेंस, डौमैस्टिक और इंडस्ट्री में भी है। दूसरा, सिस्टम की डैफिशिएंसी है। सबसे बड़ी कमी जो हम यहां पर देख रहे हैं वह बिजली जैनरेशन की डैफिशिएंसी है। जैनरेशन की एफीशिएंसी जो 35 प्रतिशत होनी चाहिए वह केवल 28 प्रतिशत है। दूसरी डैफिशिएंसी टी एंड डी लौसेज की है। टी एंड डी लौसेज जो 7 से 8 प्रतिशत होना चाहिए वह 50 प्रतिशत तक पहुंच गया है। इस डैफिशिएंसी के कारण हमारी इकॉनोमी मैच नहीं कर रही है। इसलिए हमारे को इलैक्ट्रिसिटी एट द रीयल प्राइस - मैं यह नहीं बोल रहा हूं कि सिंचाई के लिए, डौमैस्टिक के लिए, इंडस्ट्री के लिए, लेकिन रीयल प्राइस मीन्स सिस्टम की डैफिशिएंसी को हमें दूर करना पड़ेगा, एफीशिएंसी को बढ़ाना पड़ेगा, टी एंड डी लौसेज के ऊपर ध्यान देना पड़ेगा और हमारे खेतों की ओर ध्यान देना पड़ेगा।

माननीय मंत्री जी ने अपने भाण में बार-बार बोला कि मैं इसको चैलेंज करके स्वीकारता हूं। सर, उन्होंने चैलेंज इसलिए स्वीकारा क्योंकि मैं भी यह मानता हूं कि बिल पास करना, इलैक्ट्रिसिटी सबको पहुंचाना बिल्कुल नहीं है। विधेयक पास करना प्रौग्रेस करना नहीं है। विधेयक पास करना और इम्प्लीमेंटेशन दो अलग-अलग बात हैं. पंडित जवाहर लाल जी नेहरू ने जब पहली पंचवर्षीय योजना बनाई थी तो उन्होंने इकॉनोमी और एफीशिएंसी की बहुत बात की थी, इलैक्ट्रिसिटी की भी बात की थी, लेकिन वह प्लॉन इम्प्लीमेंट नहीं किया गया और जो सबकी एकाउंटिबिलिटी थी वह हम पूरी नहीं कर पाए, यह अलग बात है। इसलिए मैं एक नया कंसैप्ट यहां मंत्री जी को देना चाहूंगा। हमारे चेयरमैन साहब ने भी बोला कि हमारा इलैक्ट्रिक सैक्टर जो है यह बड़ा कंपलैक्स सैक्टर है। इसलिए किसी एक आदमी को इतना बड़ा रिनोवेशन, रैवोल्यूशन या सिस्टम को एनहान्स करना सीमित समय में मुमकिन नहीं है। इसलिए एक आदमी की आलोचना करने का कोई मतलब नहीं है। पांच साल का समय बहुत ही कम समय है। मैं एक कंसैप्ट देना चाहता हूं " मौडैस्ट टार्गेट कंसैप्ट" । हम पांच साल में, दस साल में क्या करेंगे। शॉर्ट-टर्म और लॉंग-टर्म प्रोजैक्ट क्या रहेगा? यह तो चर्चा का विाय है लेकिन मैं एक सुझाव देना चाहता हूं कि माननीय मंत्री जी को एक टार्गेट बनाना चाहिए कि एक साल में मेरा टार्गेट है कि जैनरेशन की एफीशिएंसी में एक प्रतिशत से बढाऊंगा। एक साल में टी एंड डी लौसेज एक प्रतिशत घटाऊंगा और जैनरेशन की एफीशिएंसी एक प्रतिशत बढ़ाऊंगा। यह कंसैप्ट जब तक हम यहां नहीं लाएंगे तब तक इतने कम समय में प्रभावी रिजल्ट्स नहीं मिलेंगे। जो संबंधित आफिसर है उसको उत्तरदायी बनाना पड़ेगा। एक फौलो-अप डाक्युमेंट बनाने के बाद एक टार्गेट एक्शन का प्लॉन भी बनाना पड़ेगा। एकाउंटेबिलिटी फिक्स करनी पड़ेगी तभी हम इलैक्ट्रिसिटी के मामले में कुछ अच्छा कदम उठा सकेंगे।

गीते साहब जी, मैं आपको धन्यवाद के लिए धन्यवाद बिल्कुल नहीं दे रहा हूं लेकिन मैं इलैक्ट्रिक के हर स्टैप को अच्छी तरह से समझता हूं। आपके मंत्रालय में आने से पहले तीन-चार बार ग्रिड फैल्योर हुआ लेकिन आपके मंत्रालय में आने के बाद एक बार भी मेजर-ग्रिड फैल्योर नहीं हुआ है.और प्रोजैक्ट्स के इम्प्लीमेंटेशन को एक्सेलरेशन मिला है।

मैं उदाहरण के तौर पर दिल्ली का उदाहरण दे सकता हूं, दिल्ली में प्रोसीजर काफी समूथ हो गया है।

अंतिम बात, मैं अपने क्षेत्र के बारे में कहना चाहता हूं। आप मेरी पार्टी से ऊर्जा मंत्री है, आपसे मुझे कुछ आशायें हैं और मैं विदर्भ में रामटेक निर्वाचन क्षेत्र से चुनकर आया हूं, तो वहां की जनता को मुझ से कुछ आशायें हैं। आप एनडीए सरकार के पहले मंत्री हैं, जिन्होंने मेरे निर्वाचन क्षेत्र के लिए एक हजार मेगावाट का प्रोजैक्ट एनाउन्स किया है। लोगों ने वहां पर कांग्रेस के 13 मंत्रियों को देखा है, कई पावर मंत्री देखे हैं, लेकिन उन्होंने आज तक केवल पावर का सपना ही देखा है। हमारे यहां भी बिहार जैसी ही स्थिति है। मैं उस क्षेत्र से संसद सदस्य हूं, इसलिए वहां की जनता को मुझ से भी आशायें हैं। मैं विनम्रता पूर्वक कहना चाहता हूं कि हमारा यह सपना पूरा होना चाहिए। मैं पुनः कहना चाहता हूं कि क्रिटिसिज्म अपनी जगह पर है, लेकिन यह बिल बहुत अच्छा है।

अंत में, आपको धन्यवाद देते हुए, अपनी बात समाप्त करता हूं।

**कुंवर अखिलेश सिंह (महाराजगंज, उ.प्र.) :** सभापति महोदय, मैं आपका आभारी हूं कि आपने मुझे विद्युत विधेयक, 2001 पर सदन में हो रही चर्चा में भाग लेने की अनुमति प्रदान की।

देश की 55 वर्षों की आजादी के बाद भी देश के सबसे बडे राज्य उत्तर प्रदेश, बिहार और मध्य प्रदेश में आज भी आधे से अधिक गांवों की आबादी विद्युत की सुविधाओं से वंचित है। यह निश्चित ही तौर पर हमारे लिए दुर्भाग्य का विाय है। आज जितनी भी विद्युत परिदें हैं, वे सभी सफेद हाथी का रूप ले चुकी हैं। करोड़ों रुपयों का घाटा राज्य विद्युत बोर्डों के द्वारा हो रहा है। अभी तक उपलब्ध सूचना के अनुसार लगभग 20 हजार करोड़ रुपए का घाटा राज्य विद्युत बोर्डों का है। निश्चित ही तौर पर यह घाटा देश की जनता को वहन करना पड़ रहा है, देश की जनता को उठाना पड़ रहा है। आज बिजली की चोरी एक प्रमुख समस्या हो गई है। हमारा अपना अनुभव यह है कि राज्य विद्युत बोर्ड के जो अधिकारीगण हैं, उनकी निश्चित ही तौर पर मिली-भगत के द्वारा उन उद्योग धन्धों को बिजली की आपूर्ति कराई जाती है। इसका खामियाजा आम जनता को भुगतना पड़ रहा है। विद्युत हानियों के नाम पर हजारों-करोड़ों रुपयों की चोरी जारी है। इन विद्युत हानियों को कैसे रोका जाए, इस पर विचार किया जाना चाहिए। देशी की आजादी के 55 वर्षों के बाद भी कोई ऐसा रास्ता नहीं तलाश पाए हैं। जब कभी हम इस पर विचार करते हैं, तो हमको लगता है कि राज्य विद्युत बोर्ड विद्युत हानि के नाम पर लीपापोती करने का कार्य करते हैं। यदि आप भौतिक सत्यापन करें, तो पता चलेगा कि गांवों के अन्दर जो विद्युत चोरी की जा रही हैं और विभिन्न उद्योगों द्वारा जो चोरी की जाती है, इसका प्रतिशत कहीं अधिक हैं। अगर उन उद्योगों को बिजली की चोरी बन्द कर दी जाए, तो अधिकांश उद्योग बन्द हो जायेंगे। मैं उत्तर प्रदेश में 1993 से 1995 तक उ. प्र. विधान सभा का सदस्य होने के कारण उत्तर प्रदेश बिजली परामर्शदात्री समिति का सदस्य रहा हूं। इसलिए मैं कह सकता हूं कि हमने विद्युत चोरी को इंगित किया, लेकिन उस समस्या का निराकरण करने में उत्तर प्रदेश राज्य विद्युत बोर्ड कहीं भी सक्षम नहीं हैं। आज सबसे बड़ी समस्या मांग और आपूर्ति के समन्वय की है। हम आधे से भी अधिक गांवों में बिजली की आपूर्ति नहीं कर पा रहे हैं। जब इस समस्या का निदान करेंगे, तो स्वतः की बिजली की मांग दुगुनी हो जाएगी। हम आज औसतन 12 घंटे देश के गांवों को बिजली नहीं दे रहे हैं। यदि 24 घंटे बिजली आपूर्ति सुनिश्चित करेंगे तो यह मांग चार गुनी बढ़ जाएगी। विद्युत उत्पादन जिस गति से हो रहा है और जनसंख्या जिस गति से बढ़ रही है तथा मांग जिस गति से बढ़ रही है, उसमें समन्वय स्थापित करने के लिए निश्चित तौर पर इस स्थिति में बदलाव करके रास्ता तलाशना होगा। आज राज्य विद्युत बोर्डों में कार्य संस्कृति का पूर्णतः अभाव आ चुका है। गांवों में जब ट्रांसफॉर्मर जल जाते हैं तो कई महीनों तक विद्युत बोर्डों के अधिकारियों द्वारा ट्रांसफॉर्मरों की आपूर्ति नहीं की जाती है। जिन गांवों में सक्षम और सबल लोग हैं, उनके द्वारा रिश्वत की धनराशि जुटायी जाती है और उसकी अदायगी संबंधित अभियंताओं को जब की जाती है, तभी वहां ट्रांसफॉर्मरों की आपूर्ति होती है। उसका एक दूसरा पक्ष देखिए। विद्युत आपूर्ति नहीं हो रही है लेकिन उपभोक्ताओं को विद्युत के बिल जरूर प्रेाति कर दिए जाते हैं और बाध्य किया जाता है कि वे उनकी अदायगी का प्रबन्ध करें। आप बिजली नहीं देंगे और विद्युत बिल प्रस्तुत कर देंगे, यह कैसी नई परिपाटी कायम हुई है। जब हम अपने निर्वाचन

क्षेत्रों में जाते हैं तो लम्बे विद्युत बिलों के भुगतान की कोई रसीद लेकर आता है तो उन बिलों को ठीक कराने में हम अपने आप को अक्षम और लाचार पाते हैं। मैंने देखा है कि दलाल प्रवृत्ति के लोग उन विद्युत कार्यालयों में जाते हैं तो एक घंटे में पांच हजार रुपए का बिल एक हजार रुपए में परिवर्तित करा देते हैं। यह आम प्र ाचलन हो चुका है। अगर इस बारे में एक विजिलैंस कमेटी गठित कर दी जाए तो निश्चित तौर पर उत्तर प्रदेश में विद्युत उपखंडों के कार्यालयों में यह चीज आए दिन आम दिनचर्या में प्राप्त होगी।

आज विद्युत की आपूर्ति न होने का सबसे बड़ा दुप्रभाव किसानों पर पड़ रहा है। आज दुनिया से जो चुनौतियां प्राप्त हो रही है, उनका मुकाबला करने के लिए विद्युत को जीवन रेखा बनाना होगा। विद्युत हमारे जीवन का अनिवार्य अंग होगा तभी हम देश को प्रगति के रास्ते पर ले जा सकते हैं। मैं अभी साईंस टैक्नॉलोजी ऐंड फॉरेस्ट एनवायरनमैंट कमेटी के सदस्य के रूप में हिमाचल प्रदेश और अन्य राज्यों में गया। वहां कुछ विद्युत उत्पादन इकाइयों ने जब विद्युत उत्पादन के लिए आगे कदम बढ़ाए तो राज्यों ने जल पर सैस लगाने की बात कही जबकि हमने देखा कि राज्यों से किए गए अनुबंधों के अन्तर्गत वे उन्हें कुछ विद्युत आपूर्ति मुफ्त देते हैं और कुछ लागत मूल्य पर देते हैं। जो पर्यावरण असंतुलित हो रहा है, उसे संतुलित करने की उन पर जो जिम्मेदारी है, वह उसे भी निर्वहन करते हैं। मैंने देखा है कि विद्युत की आपूर्ति और उत्पादन में कई तरह की व्यावहारिक दिक्कतें पैदा हो रही हैं। यदि इस मंशा के साथ बिल लाएंगे, सस्ती दर पर ग्रामीण क्षेत्रों को बिजली उपलब्ध कराएंगे और उन ग्रामीण क्षेत्रों में जहां विद्युत की सुविधा प्राप्त नहीं हुई है, उन्हें कवर करेंगे तो निश्चित तौर पर हम इस विधेयक का स्वागत करेंगे। यदि आप सस्ती दर पर गांव के लोगों को बिजली उपलब्ध कराते हैं तो हम उसका स्वागत करेंगे। इसके लिए स्वस्थ प्रतिस्पर्धा होनी चाहिए। हम इस बात से कतई सहमत नहीं हैं कि इसका निजीकरण न हो। यदि प्रतिस्पर्धा की आवश्यकता है तो निश्चित तौर पर इसके लिए निजी क्षेत्र को आमंत्रित करना चाहिए। दूरभाा का क्षेत्र हमारे सामने उदाहरण है। इस क्षेत्र में निजी क्षेत्र को आमंत्रित किया तो उसका सर्वाधिक लाभ उपभोक्ताओं को हुआ। इससे उपभोक्ताओं को बेहतर सुविधाएं प्राप्त हो रही हैं। आज जिस तरह से पर्यावरण परिवर्तित और असंतुलित हो रहा है, उसमें निश्चित तौर पर बिजली हमारे जीवन का अनिवार्य अंग बन गया है। आज गांवों और शहरों में 3-4 घंटे तक ि वद्युत आपूर्ति नहीं हो रही हैं। खास तौर पर गांवों में प्रधान मंत्री से लेकर ग्राम प्रधान तक सभी जन प्रतिनिधियों को इसके लिए गाली सुननी पड़ रही है और जनता का कोपभाजन बनना पड़ रहा है। निश्चित तौर पर उस तंत्र को विकसित करना चाहिए जिससे जन भावनाओं का आदर हो सके और लोगों को बिजली की सुविधा उपलब्ध करा सकें। यदि इस भाव से आप यह बिल लेकर आए हैं तो हम इस कदम का स्वागत करते हैं।

**SHRI BIKRAM KESHARI DEO (KALAHANDI): Sir, I congratulate the hon. Minister for piloting the Electricity Bill, 2001 and I support it wholeheartedly. This Government, the NDA Government led by hon. Prime Minister Atal Bihari Vajpayee, has got a vision to develop India and take it on the path of rapid development. The hon. Prime Minister has emphasised the importance of infrastructure in the country like roads, inter-linking of rivers, and electricity which plays a very vital role in engineering the growth. For the engine of growth to move, you require electricity. So, a comprehensive Bill has been brought by the hon. Minister and I congratulate him for that.**

**Since the Electricity Act of 1948, we might have taken electricity to about five hundred thousand villages, increased the generation of power from 1300 megawatt to, say, a lakh of megawatt. We plan to achieve another lakh of megawatt by 2012 so that our economy will come on par with that of the developed countries of the world and our industrial climate will improve. This Bill was necessary. As the subject of electricity is in the Concurrent List of the Constitution, part of it is managed by State Electricity Boards and part of it is managed by the Central Electricity Authority. It has been seen that the State Electricity Boards are incurring losses to the tune of Rs.30,000 crore a year. I was reading the Minister's recent statement in the papers which says that the loss might reach a staggering Rs.1 lakh crore a year. With this condition approaching, how can we think of achieving the target of providing electricity to the 31 per cent villages and to the 41 per cent urban centres in the country, which have not been electrified? How can we achieve this? How can we think of electrifying the 80,000 villages which are yet to see the light of the day? Without electricity there cannot be improvement in agriculture, there cannot be improvement in rural industries and there cannot be improvement in industrialisation to develop the natural resources of the country.**

**Sir, I come from the State of Orissa. When the reform process was going on in Orissa - Orissa was one of the first States in the country to get a Regulatory Council - we opposed it tooth and nail. I was a BJP MLA then and I was leading the BJP legislators party in Orissa. We opposed it tooth and nail. Today when I was going through the blueprint of the power sector, I was shocked to see that transmission and distribution losses - which were 23 per cent before reforms - have reached 51 per cent today. I think that the same thing does not apply uniformly for the whole country. This is the blueprint of the power sector. I thank Shri Suresh Prabhu for this. When he was the Power Minister, he called a meeting of all the Eastern and North-Eastern Members of Parliament to discuss the problems of the power sector. Citing that, I urge that it has to be carefully dealt with. We are walking on a sword's edge because we have signed the WTO agreement. When we think of the WTO, the developed countries are refusing to sign the Kyoto proposal. They are refusing to come to an agreement on agriculture. With this new challenge which is there ahead of us, how do we meet the requirement? So, we have made an earnest beginning by this Electricity Bill to improve the electricity sector by amalgamating the 1910 Act, which has been in existence since before Independence, and the 1940 Electricity Supply Act. I thank the late Kumaramangalam for introducing the legislation for setting up of a Regulatory Commission in 1998. He is no more with us. He was the first person who came up with the idea of piloting this type of a legislation for meeting the requirements of electricity in the country.**

**I would like to cite some figures in this connection. Today, the total energy shortage during 2000-01 is 39.816 million units amounting to 7.8 per cent; and the peak shortage is 10,157 Megawatts translating to about 13 per cent of peak demand.**

**So, we are always below the peak demand. Today, we are about 10,000 megawatt below in providing electricity to the people. Therefore, the 16th Electric Power Survey has recommended for creation of another one lakh megawatt of additional capacity to be added by 2012, which I mentioned earlier.**

**Sir, during the 10th and 11th Plan, a capacity addition of 46,500 megawatt has been tentatively fixed for the Central public undertakings. Besides, the State level SEBs and the private sector will add another 41,800 megawatt. About the capacity addition, targets of 66,400 megawatt through power and 10,700 megawatt through non-conventional resources have been fixed for 2012. But to achieve this goal, do we have that kind of money? We have to get that kind of money and we have to make all kinds of investments to make India a developed country by 2020, as the hon. Prime Minister has**

projected in so many fora.

Then, about the thermal power, as I mentioned earlier, it is a based loop generation power. It is not to meet peak hour consumption. But because of the flaws in the 1948 Act, we are meeting the peak hour demand through our thermal power plants. Similarly, in the hydel power sector also, we have been able to achieve only 17 per cent of our total potential.

Sir, we have got a lot of potential for the hydel power. Take, for example, Arunachal Pradesh. The assessed potential is 50,328 megawatt, but we have only been able to achieve 10 megawatt. In these 52 years, we have only been able to achieve 10 megawatt in Arunachal Pradesh! If such is the situation, why would there not be insurgency; why would there not be social unrest; why would there not be terrorism; and why would there not be ethnic problems? Sir, the people are not getting the fruits of development. They are being denied the fruits of development.

In Uttar Pradesh and in Uttaranchal, the potential is 18,000 megawatt, but they have been able to achieve only 1,600 megawatt. But my State of Orissa has done well. Our potential is 2,999 megawatt and we have achieved 50 per cent.

Sir, though the Eastern sector is the power surplus zone, we do not have the proper evacuation facilities. As a result of it, a lot of power is lying idle. The *per capita* investment and consumption of electricity of India is the lowest in the whole world. It is only about 350 kilowatt. If proper evacuation facilities are created in the State of Orissa, which is supposed to be one of the poorest States in the country, it would be of great help and to the country as a whole.

Sir, the latest Economic Survey has already pointed out that 47.7 per cent people live below poverty line. Considering these factors, I stress that this Bill was the need of the hour. The 1948 Act completely failed to achieve the objective of providing electricity to the country. Most of the Electricity Boards, on whom we believed that they could meet the demand of the States, have gone sick.

But at the same time, I would like to make some suggestions here. When these thermal power plants are coming up, the rehabilitation packages have also to be there. Take, for example, Brijraj Nagar. I had a communist colleague in the Assembly, Shri M. Prasanna Panda. He used to always sit on *dharna* for rehabilitation packages. That time also, I was in the BJP. The rehabilitation packages of the thermal plants are never proper. Till today, a lot of evacuees have not been settled. Same is the case with the hydro electric projects.

Therefore, the Prime Minister has rightly announced that before any mega project is taken up, the rehabilitation package will be implemented first. With this, I would like to say that the spirit of the Prime Minister in announcing the rehabilitation package first should be appreciated, and then we should think of development. It is because human development or common man's development is the primary objective of any Government.

But before I end, I want to say that the amount of money which we require to achieve this additional 1,00,000 mw development by 2012, is Rs. 8,00,000 crore. So, I am sure the Government in future will keep enough money for the development of this. Sir, the point regarding hydro power projects should be emphasised. It is because I come from a hydro power area where a project like Upper Indravati, as Shri Santosh Mohan Dev has initially mentioned, took 23 years to complete. It is because the time factor is very important for any project. That project was to be completed in 5 years with an investment of Rs. 200 crore. By the time, it was completed, it became Rs. 2,300 crore. Today, it is generating some power. But do you know that the hydro power completely depends upon the monsoons and the flow of water? This year we have a very bad drought. So, proper planning should be made. Projects like Narmada should be further come up. But the evacuees' position must be honoured. The interest of the people who are leaving their land, hearth, and home for the development of the country, should be safeguarded.

Sir, with these few words, I thank you for giving me time, and I support this Bill with the right earnest.

SHRI SHIVRAJ V. PATIL (LATUR): Sir, I support this Bill. Having said this, I would like to underline some points which should be considered by the Government and on which the assurance should be given by the Government to the Members of the Parliament, and the people at large.

This Bill tries to consolidate three Bills, and creates conditions in the country in which it would be possible to generate more electricity, to transmit electricity from the generating stations to the consumers and to have a machinery which can distribute electricity to the consumers in a proper manner.

Sir, my apprehension is that in the Ninth Five Year Plan, initially, the Government, I think, had decided to generate 48,000 mw of electricity. But this target was reduced to 28,000 mw of electricity. Again this target was reduced to 20,000 mw of electricity. So, it indicates that it was not possible for the Government to meet the targets which were fixed by the Government itself.

Now, here the Government is trying to say that by privatising, it would be possible to meet this target. It has to be considered by us - who are sitting in this Parliament – whether this can be done.

On behalf of the Congress Party, I would like to say that if the private sector is willing to enter this area, is willing to generate electricity, and is willing to transmit and distribute this electricity, we shall have no objection. It is because electricity is required for development of industry, development of agriculture, development of so many other productive activities and for domestic and household purposes.

It has not been possible to attract enough investment in this area from the private sector also. One of the instances which can be quoted on the floor of the House is that of the power generation in Rajasthan. In Rajasthan, the Government had decided that the power generation will be done by the private sector; and for 15 years, they waited and waited for the private investment to come and to generate power. Since a decision was taken by the Government of Rajasthan that with the help of private investment electricity will be generated, the Government was also not investing to produce electricity and the result was that not even one MW of electricity was added.

If this situation develops nation-wide, will it help us? This is the issue which has to be taken into account. In Maharashtra also, a decision was taken that we will allow not only the private sector to enter this area, but also the foreign sector. We went to the extent of guaranteeing returns on the power generated by the private sector in Maharashtra. The result is that today the foreign company is not generating power and the Government of Maharashtra also did not invest in that; and, in a State like Maharashtra where industrial development is taking place by leaps and bounds, there is a mismatch between demand for electricity and generation of electricity.

Supposing this happens in the country, what will the Government of India do? If the private sector is willing to come into this area and invest, we should welcome them with open arms and give them encouragement. But if they think that they do not have enough funds or the gestation period is too long or they do not have the guarantee that there would be returns and unless the Government of India and the Government of Maharashtra gives a guarantee, they will not invest, what will happen? This is a real apprehension in my mind. I think that if this situation develops in the country, there will be a big gap between demand and supply of electricity. Industrial development is taking place, agriculture is asking for more electricity and people in their houses also are asking for more electricity. Where will the electricity-required come from, if it is not generated either with the help of private sector or with the help of the Government or with the help of any other source? That is the real apprehension in my mind. We would like the Government to assuage our feelings, to dispel our apprehensions and tell us in the House and outside also that they would take precautions to see that this kind of a condition will not be allowed to develop in the country.

We have a new Minister, young Minister; we wish him all the best. We will cooperate with him in any way he requires the cooperation for generating, transmitting and distributing electricity. His predecessors also have done well, like Shri Kumaramangalam. We expressed our feelings towards Shri Kumaramangalam, the previous Minister and we do have the same feeling for this Minister also. The present Minister has to apply his mind to this real problem. They shall have to have a policy or a plan to do that. Fortunately for us, they have said that there will be a national electricity policy. We would like to have a national electricity policy. But will that policy be a policy made by some officers and considered by one or two Ministers and not considered by the Members in the House and people outside? Even Five Year Plans are not being discussed on the floor of the House.

Long-term policies are also not being discussed. If you make the National Electricity Policy, will you present that policy to the House for the consideration of the Members before you take a final decision on that policy? The experts and the officers have to help us. Without their help we cannot really prepare a policy but at the same time, the input from the people's representatives, who are working at village, taluka, district, State or at national levels, should also come before that policy becomes a really implementable policy, a policy which can produce the results. I am asking whether the Government will present this National Electricity Policy to the Parliament for the consideration of the people before a final decision is taken. This is a just demand by the Members of the Parliament. If the Government does it, we will welcome it. If it does not do it, we will demand it. If the Government finds it difficult to present it, then there will be agitation both inside and outside the House. Ultimately they will keep quiet and everybody will suffer. That kind of a condition should not develop in the country.

The Government wants to prepare a National Electricity Plan. I hope, that Plan will also be presented to the House. At least let it be presented to the House so that those who want to consider that plan can consider it and if anybody wants to contribute anything towards this, he can contribute.

I think Shri Sontosh Mohan Dev has also rightly pointed out that our emphasis is on thermal power generation and not on hydel power generation. Fortunately for us, in Himalayas, North-Eastern States, and Western and Eastern Ghats, we have sites where water can be used for generating power. Why should we not use those sites? It is true that the gestation period for the hydel power station is longer than the thermal power station. Probably the money required for it is also more. But the power generated with water is cheaper than the thermal power. Why should we not adopt this route? If we adopt this route, not only we will be generating electricity required for industrial development but we could also make available water required for irrigation and drinking purposes. That is why a comprehensive look at the plan and the policy of generating power by using water should be taken.

Why are we depending on the conventional methods of generating power? Sometimes people have been discussing as to what is happening in Iraq. Theories have been propounded by some persons that the sources of generating energy are limited in the world which means coal, oil and gas are limited and after 100 or 200 years, the sources will not be enough for meeting the demands of the people. In my opinion, this is a wrong theory. They have said that the industrial development will be commensurate with the sources of energy available on the globe. In my opinion, this theory is wrong. Matter is energy and energy can be changed into matter. The only thing we have to do with respect to this is to develop the technology for doing it. Hydrogen can be used. Nuclear energy, solar energy or wind energy can be used Let this not be done just to show that we are also capable of using this source of energy. Let there be a sufficient contribution made for using the solar energy in the country. The Sun is the perpetual source of energy.

It is going to be unending. It could be used for trillions of years. If we do not start today, we would be starting after 15 years or 20 years but we will be late by that time. If India can take a lead in any area in which technology can be developed and can be given to our people as well as to the people outside the country, that is the solar energy area.

The war is going on in Iraq, I heard the speech given by the President of America. The first paragraph of his speech related to the amount of money that would be given for developing the technology to use hydrogen for generating energy. He said that so many trillions of rupees would be given to the research stations to develop the technology to use hydrogen. Probably, he wanted to say that they are not fighting the war for oil and that they have other things to develop and that they are doing that. That apart, the question is that it has become necessary for us to use the non-conventional sources of energy. I do not think that the Government of India or the State Governments are paying much attention. The Government of India is paying some attention to the development of non-conventional energy. At least, there is a Department for non-conventional sources of energy. There is also a Department which looks after nuclear energy. But the State Governments are not paying attention to the development of non-conventional energy. The Union Government is not paying sufficient attention to this area. We have the sources of generating energy and yet we are not tapping them. We are accepting the theory that the sources of energy are limited so the industrial development is going to be limited and we cannot do anything. We are helpless. This kind of situation should not be allowed.

With respect to generation, transmission, and distribution, I think Shri Dev could enlighten me, because he was the Minister and he knows better than I do. I do not think that the Department of Energy is spending enough amount of money on research and development. If the Department is not doing it and if the Government is not doing it, who will do it? Now, in the present circumstances, you are allowing the private sector to enter into this area. In foreign countries, it is the private companies which are spending the money on development of technology for developing energy. But in our country, we are not spending sufficient money in this area as well as in other areas also. Now, is it not necessary for you to say that you will be spending money on development of technology.

In my opinion, this is going to be the most important Bill of this Session at least. This is going to be the most important Bill for generating electricity and for giving impetus to development of industry, agriculture, and many other areas. But on an occasion like this when you have moved a very important Bill, we would, at least, like to have an assurance from the Government of India that it is not the privatisation -- as it is said by my friend -- which is the panacea to deal with this problem. The panacea to deal with this problem is new technology and new methods of management. If there is nothing in the Bill, mentioned about it at least, we would like to have an assurance from the Minister that this would be done as far as distribution and transmission are concerned.

One apprehension in my mind is that when the generation, transmission, and distribution were done under one roof, it was very difficult to remove the mismatch between generation and transmission. Now you have the Government producing electricity, private companies producing electricity, and the transmission will be done by some other company. How would you bring about coordination? You have created certain authorities like National Load Despatch Centres, Regional Load Dispatch Centres, and other Centres probably for bringing about coordination and cooperation. But I am apprehensive. At least, 5 years to 10 years will pass before a harmonious working between companies generating the electricity, companies transmitting the energy, and companies distributing it will be done.

The interim period will be very difficult to manage not only for you but also for the State Governments. It is because they are working in different compartments and they are not subject to the orders from one authority. There are possibilities that they may have different interests. There might be a clash of interests as well. This is one very grey area that the hon. Minister would have to handle in a very proper way.

The third thing is about distribution. I am afraid that transmission is going to be the easiest thing where the companies would be there and, in a way, by passing this Bill all the assets owned by the Government will be given to the companies. At what cost they would be given, we do not know. We have apprehensions in our minds about that. This is not a property of the Government. This is not a property of the BJP. This is not a property of the Members of the Congress party. This is a property of the people. If the Government proposes to transfer this property to the private companies, then please get proper returns on the property. Otherwise, you would be going against your own interests. We would be going against our own interest and we would be going against the interest of our people. This is not a property built on the money paid from the pockets of the Members from the Congress Party. This is a property built by the previous Congress Governments with the money paid by people. Please do not transfer this property to the company without getting proper returns for that. Privatisation is not the panacea. If necessary, the Government may go in for privatisation by all means. We are not going to object to that. That is why, when I got up to speak, I started by saying that I support this Bill. But still I have apprehension in my mind. I would be failing in my duty if I do not express my views on this. This is not your property. This is not my property. This is not the property of the Government of the day. This is not a property that has been built by this Government. This is a property that has been built by the previous Governments. This is also not their property. They did not build it. This is the property of the people. Please get proper returns for the property that you would be giving to the companies. We have very clear doubts on this point. Please do not misunderstand us. We are not alleging things against any individual as such. We are alleging against the system, the policy that you have adopted. We have the bounden duty to express our views fearlessly on the floor of the House without having any regard to the feeling of anybody but without any malice towards anybody. But we do have apprehension in our minds on this point.

Sir, as far as distribution is concerned, I have an apprehension that these companies that would be distributing power would find it very difficult to distribute electricity to the consumers. It is because they can distribute the electricity which is available to them. If electricity is not generated, if it is not transmitted, then they will find it difficult to distribute it.

Sir, on tariff, my apprehension is that with this law and with this system, the tariff that would be collected is not going to be less than what you are charging now. The price of one unit of electricity may go up to Rs. 10 within a period of few years. In case of Enron; the price went up, it did not come down. You are going with the presumption that with this kind of an arrangement, the price will come down. I have doubts in my mind on this point. The hon. Minister can convince me and dispel my doubts that my doubts are misplaced. I would be very happy to be convinced by you that my doubts are misplaced and that I am wrong. I would be very happy if the hon. Minister convinces me that I am wrong on this point. But I do think that with this kind of an arrangement, the tariffs are going to be more and the price that the consumers will pay for electricity would be more.

My second doubt on this point is that if you do not have new power generating stations with you and if more than fifty per cent of the power is going to be generated by the private sector − which is not going to happen in ten years' time and it will take some more time − then you will have no control. They would decide what the price would be. If there is a competition, maybe the price will come down. Telecommunication is no comparison. Please do not compare this with the telecommunication. Telecommunication has given good results. Do not compare that with power generation. Power generation will give dividends, maybe after fifteen or twenty years' time, but not immediately. The prices are not going to come down. That is not going to be in accordance with the demands of the people. Transmission problems will be taken care of. But there is something in between also. So, I think, on this you have to convince the House.

The next point is regarding electrification of rural areas. How do we electrify the rural areas? Our wealth lies in Himalayan region and in undeveloped areas. There are many things available there, like minerals. But the power has to reach there. Power is not reaching the rural areas, power is reaching the urban areas. Power should reach urban areas. We want industries. Power should be taken there. But what about the rural areas? Do not think that in rural areas, we have to take power only to see that their huts and their small houses are electrified. There also we need power. For agriculture, we need power. For the development of forest also, we need power.

My apprehension is that with more activities by the private sector and with less attention by the Government in this area, power going to the rural areas will be reduced and the rural areas will suffer because of this.

The last point that I would like to make is about reforms. We are for reforms. But your definition of reforms and our definition of reforms are different. If we have understood you correctly, your definition of reforms is privatisation and downsizing the Government. Our definition of reforms is, it is not only privatisation and downsizing the Government but also using the capacity available in all sectors in the country − with the individuals, with the organisations which belong to the private sector, public sector and Government sector. Our definition of reforms is not only privatisation but also to search for new technology, if it is not available, developing new technologies and using that. Our definition of reforms is helping the common man with this. Your definition of reforms is privatising and giving the product or the activities to them and then allowing the benefits to trickle down to the people. That is not a policy acceptable even in America. You say that let them produce and the produce will trickle down to the needy. You are not saying that you will allow this, at the same time you will do something else also. You are not saying that. If you are saying that and if you want to say that on the floor of the House, then we will be very happy and will welcome that kind of statement from you. That is not our definition. Our definition of reforms is not downsizing or making the employed persons unemployed, but our definition of reforms is utilising the hands available with the existing organisations by expanding their activities, to continue to give them employment so that it is properly utilised.

Shri Anant Geete, it may be your policy and your party's policy. I am saying this because we have heard some statements on this from your party. We will not quarrel with that. We are not different from you on the point of employment. In the name of privatisation, if we neglect the common man, if we neglect the man at the lowest rung of the society, then that cannot be called reforms. We are for reforms. You say that you are also for reforms. If you expand your definition of reforms and include our definition of reforms and then say that you have started these reforms and then we have adopted them, we will say 'yes'.

17.00 hrs.

But if you are limiting your reforms only to privatisation and downsizing, we would say that your reform is different from that of ours. That is not the kind of reform we have started.

Sir, this is a good Bill, but there are many lacunae in it. Shri Sontosh Mohan Dev is the Chairman of the Committee on Energy and earlier he was also a Minister. He said that the Committee had heard officers, consumers and made several recommendations. The Government was kind enough to accept many of them, probably 80 and I was told that certain recommendations were not accepted. It was told on behalf of the Government by some officers − and their words can be accepted − that those recommendations would be included in the rules also. If you say that those kind of reforms, not all reforms but which are acceptable, will be included in the rules, we would certainly be very happy. We wish the Minister all the best and we hope that this Bill would help us.

SHRI C. KUPPUSAMI (MADRAS NORTH): Mr. Chairman, Sir, I thank you very much for giving me an opportunity to participate in the Motion for consideration of the Electricity Bill, 2001, on behalf of my Party, DMK.

The main purpose of the Bill is to make provisions for the generation being delicensed and captive generation being freely permitted. Similarly, there is a provision for private transmission licences also, though there would be transmission utilities at the Centre and State levels. Similarly, the Bill provides for generating companies to take up distribution of

electricity also.

So far as generation, transmission and distribution are concerned, all these three functions are being handled by the State Electricity Boards, which are Government undertakings. In the name of delicensing, the Bill aims for gradual privatisation of the whole sector, which would be against the social objectives of a welfare State. Our DMK Party has made it clear that we are against privatisation of sectors which are serving the social objectives of the poor and downtrodden.

As the House knows, over the long period of more than 60 years, various State Electricity Boards have accumulated large assets with which the whole nation should be proud of. They were one of the partners in the development and building of modern India in the post-Independence period. It is these Electricity Boards which stood the test of time throughout these years and were catering to various strata of the society, right from major industries to the people who are living below the poverty line and the farmers who depend on the vagaries of weather. Therefore, I would submit that the funds-starved State Electricity Boards may be restructured by infusing more funds and modernising the whole system, instead of resorting to privatisation indirectly. Since we have got every apprehension, we would urge that in the name of structural reforms, the State and the Central Governments should not resort to anti-labour measures like retrenchment of workers, compulsory Voluntary Retirement Schemes etc.

Apart from this, more than 40 per cent of our people are living below the poverty line and in rural areas. Farmers are the backbone of our country and more than 70 per cent of the people are engaged in agriculture. Moreover, you know the farmers are called *annadatha*, because it is they who provide us food. There was a time we were having food shortage and we used to go with begging bowl to Western countries for importing food. Thanks to the Green Revolution and hard work of our farmers, India is a food surplus country and we are even exporting foodgrains to other countries. Keeping this fact in view, the Government should protect the interests of the farmers. The scheme of giving the farmers free electricity should be continued in Tamil Nadu.

The Government of Tamil Nadu wants to introduce a scheme to provide a lumpsum amount in lieu of free power to farmers depending on the categories of pump set they are holding, namely whether 3 HP, 5 HP or 10 HP.

Sir, you know, in Tamil Nadu, the farmers are not getting Cauvery water in the Thanjavur Delta. Ground water level has gone down and they have to use centrifugal pumps or sub-marginal pumps with not less than seven HP, to get water for irrigation. Hence this differentiation should not be made because many small and marginal farmers are also having higher power pump sets and this differentiation would harm the interests of farmers at large. Moreover, identification of beneficiaries will also be a problem and would lead to unnecessary harassment to farmers and breeding corruption. In order to maintain transparency, I would suggest that the lumpsum amount which the State Government intends to give to the farmers may be directly given to the Electricity Board and they can be provided free electricity.

There is also another scheme for the people who are living in single tenements, *jhuggi-jhonpdi*, where one light point and free electricity is provided. Those people should be continued to be provided with free electricity. There is a proposal to introduce lumpsum payment to farmers and the people having single light point. The State Government suggests that they would be charged, as per tariff, for electricity and the Government would provide them lumpsum payment through other agencies. But it is not a workable proposition since the electricity charges are higher, which the poor people would not be able to pay.

Secondly, the lumpsum reimbursement, which is supposed to be only partial and not 100 per cent would not reach the poor people as there would be lot of malpractices and that would breed den of corruption. Ultimately, the poor people would suffer and the middlemen would prosper. There is no guarantee that the money would reach the poor people and the farmers. There are so many intermediaries and the money would melt away before reaching the poor. In the State of Tamil Nadu, already agitations are going on and the farmers' organisations and various political parties, including the DMK led by our leader Dr. Kaliangar Karunanidhi have opposed the proposal to do away with free electricity supply to farmers. Till they are brought to the level playing field, till they are brought above the poverty line, we strongly feel that they should continue to be provided free electricity as they cannot afford in the era of liberalisation, privatisation to pay for higher tariff.

With these words, I request the hon. Minister of Energy to consider the above points which I raised, and also direct the State Governments to continue with the scheme of supplying free electricity to the farmers and the poor people and downtrodden. The workers' interests should be taken care of and the hon. Minister should give an assurance on the floor of the House that not a single worker would be retrenched consequent upon enactment of this Bill and their conditions of service should not be altered prejudicial to their interests.

SHRI T.M. SELVAGANPATHI (SALEM): Thank you very much Sir.

Sir, I rise to express my point of view with regard to this reform process which is to be undertaken by the Government through this Electricity Bill 2001. Before, I support this Bill, we will have to look at the situation that is prevailing in this sector. The reforms process is not mooted today. It started way back in the year 1992 when the former Prime Minister Shri Narasimha Rao was in power.

We all must accept the fact that the power sector is in a serious crisis. The hon. Minister has admitted this while requesting for consideration of this Bill.

Given the fact that power is a critical infrastructure for our economic development reflecting on the quality of life in this nation, we will have to look at it from a different angle with the experiences which we have gained earlier in the reform process. There are about 80,000 villages which include four lakh hamlets, which are still to be provided with electricity. To achieve the goal of power for all by 2012, we need to generate 1,42,000 MW of electricity at a cost of Rs. six lakh crore. Where we do we go for such a huge investment? Who will do this? Therefore, reform is probably necessitated.

Sir, the situation in the power sector is deplorable due to the fact that the aggregate commercial loss per annum is Rs. 25,000 crore in this country and the State Electricity Boards are in a do or die situation. They are in utter financial mess and there have been arrears of Rs. 40,000 crore due to the Central utility. Therefore, reform is necessary. So, there is a mismatch between supply and demand as has been explained by honourable and learned Shri Shivraj V. Patil. There is 12 per cent energy deficit. We are not able to meet the demand. There is no generation. Therefore, reform is essential. Our concern is that the legislation which the present Government brings forth should not be another showpiece on mere papers alone. This legislation should necessarily serve the purpose.

17.12 hrs. (Shri Devendra Prasad Yadav *in the Chair*)

When the reform started in 1990s, we expected adequate investment in this field but it was not forthcoming. Mainly we concentrated on generation. This was the fundamental mistake that crept in. The process was carried only in the field of generation but we never concentrated on transmission and distribution. Therefore, the entire reform process at that point of time failed. So, the whole process could not take off as anticipated. There was no competition as envisaged at that point of time. The rates were very high for those who also came forward. Shri Shivraj V. Patil has explained the case of ENRON. It was four to five times more than the cost. Ultimately, the Maharashtra State Electricity Board, where from the hon. Minister also hails, had to burn its finger. The dues were so high that they could not do away with it. Therefore, we will have to have a look at it with a holistic approach.

Though the reform process is a welcome one, there are certain apprehensions. I feel that the Bill is handing over ample power to the Government of India, making the State as nugatory. Electricity is in the Concurrent List, whereas what we see is that this Bill is drafted as if this subject were in the Union List. We feel that it is a writ of the Centre, which is to run all over the country. And whether it is the National Electricity Policy or whether it is the National Policy on standalone systems for rural areas or Tariff Policy or National Policy on electrification for local distribution in rural areas and a host of other policies, they are to be framed by the Centre and the Central Government alone, of course, with the consultation of the State Government.

How far is it going to work out? The question that needs to be addressed is this. With the variety of diverse nature of the problem and the continental size of the country, will it be feasible or even advisable to have such type of provisions in the Bill? Even the Central Electricity Authority, as we see in the Bill, has to have not more than 14 members. All such members, as per the provisions of the Bill, hold office during the pleasure of the President. This is what has been enunciated in section 70 sub-section 6.

Look at the case of Enron. The serious implication of this provision is amply evident in the way the approvals were granted for company like Enron. Unless the CEA is an independent body, the desired result could not be achieved. If this Central Electricity Authority is not an independent body, what the Government is willing to do and what the Government wanted to do will not be carried out. Therefore, we will have to view it in a situation where the Government's interference should be totally minimised. It needs to be seriously debated whether we need such a statutory authority without independence at all.

There is another provision regarding the Appellate Tribunal for Electricity. The Chairperson of the Appellate Tribunal for Electricity, that is, ATE, as per section 121, shall exercise general power of superintendence and control over the appropriate commission. It is highly questionable whether such powers need to be given to the ATE at all. This is relevant particularly in view of the fact that all the proceedings before the appropriate commission shall be deemed to be judicial proceedings. So, the powers proposed to be given to the ATE will definitely undercut the independence and authority of the Regulatory Commissions at the Centre as well as in the States.

A reference may also be made to yet another provision, that is, section 113 sub-section 3 which states that the members of the ATE shall be appointed by the Central Government on the recommendation of the Selection Committee referred to in section 78. Where do we expect independence? Moreover, the Commission members have to be given oath of secrecy by the Minister concerned. Though they have a judicial power, the oath of secrecy will be administered by the Minister of the Department concerned. All these have to be looked into.

There is another very important aspect. Before the superannuation of each member, the selection should have to be made in three months' time. The Committee shall finalise the list and it has to forward it to the Minister or to the

Government, whereas no time limit is fixed for the Government. What happened? On the earlier occasion, it took almost 15 months to appoint the Chairman of the Commission by the Government of India. Then what right have we got to insist on reforms? This happened in some of the States also. There was undue delay. If such is the attitude of the Government, will you take on to the reforms which we envisaged?

MR. CHAIRMAN : Please conclude.

SHRI T.M. SELVAGANPATHI : Therefore, we have to look at the Bill in a different angle by looking at all the provisions. My

learned friend, Shri Kuppusami, while deliberating, made a reference to the State of Tamil Nadu.

In his speech, he said that free electricity to farmers should continue in Tamil Nadu. I would categorically say that free electricity for farmers continues still, given the fact that the State Government is bearing the subsidy and the small and marginal farmers are given Rs.1,250 per annum to meet the electricity expenses. I would like to ask the hon. Member who was responsible for this. Today, we are talking of reforms. We want this sector to take off and to tune to the present situation but it was the DMK Government and the then Chief Minister who were responsible for signing the memorandum of understanding with the Regulatory Authority. ...(*Interruptions*)

SHRI S.S. PALANIMANICKAM (THANJAVUR): It was signed by the officials. ...(*Interruptions*)

MR. CHAIRMAN : Nothing will go on record except the speech of Shri Selvaganpathi.

SHRI T.M. SELVAGANPATHI : Their then Minister is facing privilege charges in the Tamil Nadu Assembly. ...(*Interruptions*)

The State Government has clearly understood the situation and is giving a subsidy to the farmers to the tune of Rs.1,250. ...(*Interruptions*)

MR. CHAIRMAN: Shri Selvaganpathi, please conclude now.

SHRI T.M. SELVAGANPATHI : Sir, I have just now started and taken about four or five minutes. I am addressing the core issues with your permission. Please give me two more minutes. Since the issue was raised by the other hon. Member, I am responsible and duty bound to answer that.

The Government is giving Rs.1,250 whereas the charge or bill given to the small and marginal farmers is only Rs.1,000. ...(*Interruptions*)

SHRI S.S. PALANIMANICKAM : The small and marginal farmers cannot lift their water. ...(*Interruptions*)

SHRI T.M. SELVAGANPATHI : I am not yielding. I am speaking on facts. ...(*Interruptions*)

MR. CHAIRMAN: He is not yielding.

...(*Interruptions*)

SHRI T.M. SELVAGANPATHI : My only request is that hon. Members should not mislead the House on this issue. Free electricity still continues and subsidy is given to the farmers even as the State Government is reeling under a serious financial crunch. The Government, under the dynamic leadership of Dr. Puratchi Thalaivi, is advancing Rs.1,250 to the farmers. Today, the small and marginal farmers are being taken care of by the State Government. So, whom are they pleading for today? Have they become the mouthpiece of the big landlords? The intention of the State Assembly was to charge only the big farmers and to give subsidy to the small farmers. ...(*Interruptions*)

SHRI S.S. PALANIMANICKAM : They are having thousands and thousands of acres of land. ...(*Interruptions*)

SHRI T.M. SELVAGANPATHI : Have they become the spokesmen of the landlords? ...(*Interruptions*) They have also made a reference to the agitations and said that the DMK Party's agitation is going on in this regard.

SHRI S.S. PALANIMANICKAM : Sir, the words which are objectionable must be removed. He has mentioned some words that are objectionable. â€¦ (*Interruptions*)

SHRI T.M. SELVAGANPATHI : This is the situation in the State of Tamil Nadu. The Government of Tamil Nadu is aware of the situation and is taking all necessary steps to protect the small and tiny farmers.

There is another fundamental question. The Government of India has come forward with a package of Rs.34,500 crore to bail out the State Electricity Boards. Eighty per cent of the arrears come from the BIMARU States, that is, Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh. They have entered into a tripartite agreement as well. If this were the situation, I would like to pose a question to the hon. Minister. Which are the States that are going to be benefited out of this? The States that are performing well, especially the southern States, are being penalised. What happened in the case of the National Thermal Power Corporation? Only a single unit has so far been started in the State of Tamil Nadu. The National Power Corporation has only one unit in Ramagundam. Even as eighty per cent of the arrears of the four BIMARU States is being taken care of by the Government of India, not a single unit of the NHPC has been started in the State of Tamil Nadu.

What is happening? All our services and efforts are being utilised to subsidise the four Northern States who are not performing.

Therefore, I urge upon the Government of India to see to it that in regard to the subsidies which we give to the farmers, there is a social obligation on the part of the Government, which has to be compensated by the Government to bail out the State Electricity Boards and the States' financial crunch.

Sir, with these few words, I conclude my speech.

**श्री रतन लाल कटारिया (अम्बाला) :** सभापति महोदय, मैं अपने मित्र गीते जी को बधाई देना चाहूंगा कि आज जो बिल पावर सैक्टर रिफोर्म्स के लिए आया है, यह बिल भारत के पावर सैक्टर में एक माइल स्टोन साबित होगा।

भारत के प्रधानमंत्री श्रीमान अटल बिहारी वाजपेयी जी ने नेशनल डवलपमेंट कौंसिल की मीटिंग में पावर रिफोर्म्स के बारे में गहरी चिन्ता प्रकट की थी और उन्होंने कहा था कि आज वक्त आ गया है कि जिस तरह से हमने सड़कों का जाल बिछाया है, जिस तरह से हम टेलीकम्युनिकेशंस के क्षेत्र में क्रान्ति लाये हैं, जिस तरह से ओ.एन.जी.सी. के क्षेत्र में क्रान्ति लाये हैं, इसी तरह की क्रान्ति पावर सैक्टर में लाये जाने की जरूरत है। इसीलिए एक त्रिपक्षीय एमओयू साइन हुआ, जिस पर आर. बी.आई., एन.टी.पी.सी. एवं राज्य के बिजली बोर्डों की दशा को सुधारने के लिए 40 हजार करोड़ रुपये का एक पैकेज तैयार किया गया।

भारत का पावर सैक्टर देश के आर्थिक विकास के लिए रीढ़ की हड्डी है और आज इस क्षेत्र में रिफोर्म्स की अति आवश्यकता है। 55 साल की आजादी के बाद भी 2001 तक जो पावर जनरेशन हो रहा है, वह 1,01,660 मैगावाट हो रहा है, जिसमें सैण्टर का कंट्रीब्यूशन 30.4 परसेंट है, राज्य बिजली बोर्डों का 59.9 परसेंट है और प्राइवेट सैक्टर का कंट्रीब्यूशन मात्र 9.7 परसेंट है। यह चिन्ता का विाय है कि प्राइवेट सैक्टर बिजली के उत्पादन में आगे क्यों नहीं आया। इसी तरह से यह भी एक चिन्ता का विाय है कि बिजली के क्षेत्र में बहुराट्रीय कम्पनियां या एफ.डी.आई. आज तक क्यों नहीं आये। इसका मुख्य कारण यही रहा है कि आज से पहले इस क्षेत्र में चाहे 1910 का एक्ट था, 1948 का एक्ट था या 1998 का एक्ट था, ये सब इस प्रकार के एक्ट थे, जिनके कारण हमारे देश के अन्दर प्राइवेट सैक्टर और एफ.डी.आई. आगे नहीं आये।

आज जब हम देखते हैं कि अब से पहले जो ट्रांसमिशन लॉस हैं, वह स्टेट टू स्टेट हालांकि वैरी करते हैं, लेकिन 20 परसेंट से लेकर 40 परसेंट तक यह आज भी हमारे देश में है, जो एक चिन्ता का विाय है। इसी तरह से बिजली की चोरी एक आम बात है।

आज इसे बढ़ावा क्यों मिला ? यद्यपि देश के अंदर आज भी बहुत से ईमानदार उद्योगपति हैं जो बिजली का पूरा बिल देते हैं लेकिन कुछ लोग ऐसे भी पाये जाते हैं जो आज भी बिजली चोरी करते हैं। जब बड़े आदमी को चोरी करते हुए देखा जाता है तो छोटा आदमी प्रोत्साहित होता है। वह कोशिश करता है कि मैं भी बिजली की तार के ऊपर कुंडी लगाऊं क्योंकि जब बड़े-बड़े मगरमच्छ को देखा जाता है तो मछली के मुंह में पानी आता है कि मैं भी कोई गलती करूं। आज इस बिल के आने से उस क्षेत्र के अंदर सुधार होगा क्योंकि जो बिल आज पास होने जा रहा है, उसमें थेफ्ट को रोकने के लिए कड़े प्रावधान किये गये हैं।

आज ग्रामीण विद्युतीकरण की अति आवश्यकता है। 55 साल की आजादी के बाद भी आज 80 हजार गांव इस प्रतीक्षा में हैं कि हमारे घर में कब रोशनी आयेगी। मैं एन.डी.ए. सरकार और श्री गीते जी को बधाई देना चाहूंगा क्योंकि उन्होंने एक प्रपोजल बनाया है कि 2007 तक हिन्दुस्तान के अंदर कोई भी घर ऐसा नहीं होगा जिसमें एक सिंगल बल्ब न जले। इस योजना के कार्यान्वित होने से देश का हर नागरिक बिजली की रोशनी को देख सकेगा।

आज जिस तरह का यह बिल हमारे सामने आया है, इसमें कई कमेटियों ने अपनी रिकमेंडेशन दी हैं। श्री दीपक पारिख कमेटी ने अपनी रिकमेंडेशन दी थी कि सेबी को पुरानी देनदारियों का वहन करते हुए अपने क्षेत्र के अंदर इम्प्रूवमैंट करनी चाहिए। इसी तरह से कोहली पैनल ने एक रिकमेंडेशन दी कि हम 2012 तक देश में 1 लाख मेगावाट पावर जनरेट करेंगे, जिसके लिए 9 लाख करोड़ रुपये की आवश्यकता पड़ेगी। इतनी भारी राशि के प्रबंधन के लिए उन्होंने कुछ सुझाव भी दिये थे- -imposition of cess, special power bonds, tax exemptions and multilateral bonds. इसी प्रकार के उन्होंने सुझाव दिये थे।

मैं कहना चाहूंगा कि अगर पावर मिनिस्ट्री इस प्रकार का संकल्प ले ले तो यह कोई दुःस्वप्न नहीं बल्कि यह काम किया जा सकता है। जब देश के अंदर माननीय प्रधान मंत्री जी ने कश्मीर से लेकर कन्या- कुमारी तक और मुम्बई से लेकर गुवाहटी तक वर्ल्ड लैवल की सड़कें बनाने का संकल्प किया और कहा कि इस पर 60 हजार करोड़ रुपये का खर्चा आयेगा तब हमारे विरोधियों ने हमारा मजाक उड़ाया था कि कहां से ये साधन इकट्ठे करेंगे, कहां से 60 हजार करोड़ रुपया आयेगा। लेकिन मुझे कहते हुए बड़ी खुशी हो रही है कि वह कार्य जो 2004 तक पूरा होना था, वह 2003 में ही एन.डी.ए. सरकार पूरा करने जा रही है।

इसी तरह से हमने जो यह सपना देखा है कि हम 2012 तक देश के अंदर एक लाख मेगावाट से ज्यादा बिजली पैदा करेंगे, मैं चाहूंगा कि हमारा वह सपना भी पूरा हो। मैं माननीय मंत्री जी से भी अनुरोध करना चाहूंगा कि मेरे हरियाणा प्रदेश के अंदर आज से 12 साल पहले पूर्व प्रधान मंत्री श्री नरसिंह राव जी यमुना नगर के अंदर आये थे। उन्होंने एक हजार मेगावाट के पावर स्टेशन का दिल्ली में रिमोट कंट्रोल से शिलान्यास किया था लेकिन आज उस बात को 12 साल हो गये । 14 सौ एकड़ जमीन को एक्वायर किया हुआ है। वह सारी फर्टाइल लैंड है लेकिन वहां आज तक एक टके का काम नहीं हुआ। वहां इतने उपजाऊ खेत थे। â€¦ (व्यवधान) उसके लिए आईजनबर्ग हैडीनबर कम्पनी के साथ एक समझौता हुआ था लेकिन न जाने किन कारणों से वह कार्य आज तक पूरा नहीं हो सका।

मैं माननीय मंत्री महोदय से यह प्रार्थना करूंगा कि वह हरियाणा सरकार पर दबाव बनायें।

यदि आपके क्षेत्र का कार्य है तो आप यमुना नगर थर्मल पॉवर को बनाने का जोखिम उठाएं क्योंकि उससे हमारे क्षेत्र के करोड़ों लोगों का जीवन जुड़ा हुआ है। इसी तरह से हमारे पानीपत जिले के अंदर जो थर्मल प्लांट है, उसकी कार्य क्षमता को पूरे लैवल पर लाने के लिए आज कम से कम सौ करोड़ रुपये की आवश्यकता है। मैं आपके माध्यम से माननीय मंत्री जी से अनुरोध करूंगा कि हरियाणा प्रदेश के पानीपत थर्मल पॉवर को आधुनिक बनाने के लिए सौ करोड़ रुपये की राशि प्रदान की जाए। आज जो हम पॉवर सैक्टर के अंदर रिफार्म्स करने जा रहे हैं, मैं मानता हूं कि इसका केन्द्र बिन्दु हमारे कन्ज्यूमर हैं। हम उपभोक्ता को सस्ती दरों पर बिजली प्रादान करना चाहते हैं। अभी हमारे मित्र शिवराज पाटिल जी कह रहे थे कि ऐसा नहीं होगा। इनको हमारे हर काम के अंदर अड़ंगा लाना है कि यह होगा कि नहीं होगा। टेलीफोन और रोड क्षेत्र के अंदर क्रांति आ गई और हमने कीमतों को घटाया है। इस बिल के आने से बिजली के क्षेत्र में भी क्रांतिकारी कदम लाएंगे और लोगों को सस्ती बिजली उपलब्ध कराने का जो सपना है, वह श्री अटल बिहारी वाजपेयी जी के नेतृत्व में पूरा होगा।â€¦ (व्यवधान)

MR. CHAIRMAN : Shri Kataria, please address the Chair. Why are you taking interest in replying to other Members?

**श्री रतन लाल कटारिया :** आज इस बिल के माध्यम से दो महत्वपूर्ण चीजें होने जा रही हैं।

Firstly, openness to the consumers, and secondly , हम पॉवर जनरेशन करें। they will have the freedom to choose the customers.इस बारे में कई तरह की आशंकाएं प्रकट की जा रही हैं। यह सरकार प्राइवेट कंपनियों को लाकर बिजली के दाम बढ़ाएगी लेकिन यूनाईटेड किंगडम का उदाहरण ले लें, चाहे और दूसरे देशों का उदाहरण ले लें, चाहे लैटिन अमरीका का ले लें और चाहे आस्ट्रेलिया का उदाहरण ले लें। इन सब देशों ने प्राइवेट पॉवर सैक्टर में जाकर बहुत उन्नति की है और वहां की जनता को काफी राहत प्रदान की है। इसी तरह की राहत इस बिल के माध्यम से हमें प्रदान होने जा रही है और अंत में मैं चाहूंगा कि हाईडल पॉवर जो हमारे देश के अंदर है, उसका दोहन अभी तक बहुत कम हुआ है। केवल 25 प्रतिशत ही हम हाईडल क्षेत्र का दोहन कर पाए हैं। इस क्षेत्र के अंदर बड़ी भारी क्षमताएं हैं। मैं माननीय मंत्री जी से प्रार्थना करूंगा कि मेरा लोक सभा क्षेत्र अम्बाला पहाड़ी क्षेत्र हिमाचल के साथ लगता है। अगर कोई बड़ा कारखाना हाईडल के क्षेत्र में लगेगा तो उससे बाकी क्षेत्र में बिजली सप्लाई करने में मदद मिलेगी और हिमाचल के साथ कई डैम बन रहे हैं, मैं प्रार्थना

करूंगा कि मेरे लोक सभा क्षेत्र के पंचकुला में कोई हाईडल प्रोजेक्ट लगाएं।

**डॉ. रघुवंश प्रसाद सिंह (वैशाली) :** सभापति महोदय, इस विद्युत विधेयक का बड़ा भारी हल्ला देश भर में था कि विधेयक आ रहा है और इससे इस देश का बिजली संकट हल हो जाएगा, इस तरह का प्रचार किया गया लेकिन बहस हो रही है। विधेयक जब आया और जब उसी विधेयक को स्टैंडिंग कमेटी में भेजा गया और गहन छानबीन हुई। स्टैंडिंग कमेटी ने 150 सिफारिशें की हैं। कुछ लागू हुई हैं, कुछ सरकार ने मान भी ली हैं और कुछ बाद में मानेगी, ऐसा सरकार बता रही है। माननीय मंत्री जी की तरफ से 130 संशोधन आ गये हैं और हम लोगों के तो अलग से हैं। विधेयक का क्या होने वाला है, यह हम नहीं जानते हैं।

अभी यह पेश भी नहीं हुआ था कि इसमें संशोधन आने शुरू हो गए। इससे पता चलता है कि प्रयत्न हो रहा है। लेकिन मैं कहना चाहता हूं कि हमें ठीक प्रकार से बिल लाना चाहिए। 1910 का जो इलेक्ट्रिसिटी एक्ट है, 1948 का भारतीय विद्युत कानून और 1998 का जो रेगुलेट्री कमीशन एक्ट है, इन तीनों कानूनों के मिलाकर, हलवा बनाकर, यह विधेयक यहां पेश किया गया है। बिहार का बिजली संकट इस विधेयक से कैसे हल होगा, यह हमें समझ में नहीं आता। सामान्यतः बिजली के चार हिस्से होते हैं, जेनरेशन, ट्रांसमिशन, डिस्ट्रीब्यूशन और इलेक्ट्रिफिकेशन। इन पर खर्चा होना चाहिए 4:2:1:1 के हिसाब से। हमारा लक्ष्य है कि 2012 तक देश में एक लाख मेगावाट अतिरिक्त बिजली की केपेसिटी होनी चाहिए। एक मेगावाट पर अगर चार करोड़ रुपए खर्च होते हैं तो एक लाख मेगावाट पर चार लाख करोड़ रुपए खर्च होंगे। जेनरेशन पर दो लाख करोड़ रुपए, ट्रांसमिशन पर एक लाख करोड़ रुपए और डिस्ट्रीब्यूशन तथा इलेक्ट्रिफिकेशन पर एक लाख करोड़ रुपए। इस तरह कुल आठ लाख करोड़ रुपए होते हैं, तो यह पैसा कहां से आएगा ? हम सुन रहे थे कि निजीकरण होगा तो यह रुपया भी कहीं से आ जाएगा। एनरान भी पता नहीं विदेशी नि वेश था या निजीकरण था, पता नहीं कौन सा प्रोजेक्ट था।

**विद्युत मंत्रालय में राज्य मंत्री (श्रीमती जयवंती मेहता) :** इंडिपेंडेंट पावर प्रोजेक्ट।

**डॉ. रघुवंश प्रसाद सिंह** : उससे क्या हुआ, उससे भी हमें सीखना होगा। अगर निजीकरण होगा तो वह लूटने के लिए आएगा या रोशनी देने आएगा। निजीकरण से बिजली संकट हल हो जाएगा, भारी पूंजी निवेश हो जाएगा, मैं समझता हूं ऐसा कुछ नहीं होगा। उड़ीसा में सबसे पहले बिजली में रिफार्म्स हुए और कहा गया कि सुधार हो रहा है। लेकिन हम सबको पता है कि वहां क्या हुआ। पहले से खराब स्थिति वहां हो गई है। आप जो यह फार्मूला ला रहे हैं, जब देश के एक हिस्से में आपको विफलता हाथ लगी तो बाकी राज्यों में कैसे बिजली की प्रगति हो जाएगी, यह आशा नहीं करनी चाहिए। जब बीमारी घटे तो दवा भी घटनी चाहिए। लेकिन बीमारी बढ़ रही है दवा देने से, तो उस दवा को रोकना पड़ेगा या बढ़ाना पड़ेगा, इस पर ध्यान देना चाहिए। आठ लाख करोड़ रुपया चाहिए। सड़क बनाने के लिए बड़ा हल्ला हुआ कि प्रधान मंत्री ग्रामीण सड़क योजना के तहत और स्वर्णिम चतुर्भुज योजना के तहत रोड बनाई जाएंगी और उसके लिए अलग से कोा का निर्धारण हुआ। इसी तरह से रेल के विकास के लिए भी फंड बनाया गया है तो बिजली के विकास के लिए फंड कब बनाया जाएगा, यह हम जानना चाहते हैं ? बिजली के बिना कोई विकास नहीं हो सकता। जैसे सांस लेना शरीर के लिए आवश्यक है, जिंदगी के लिए रैसपिरेट्री सिस्टम जरूरी है, उसी तरह से विकास के लिए बिजली की आ वश्यकता है। सारे कम्प्यूटर, संचार व्यवस्था में जो क्रांति हो रही है, वह धरी रह जाएगी। इसी तरह से ट्रेनें वहीं रुक जाएंगी और लोग अंधकार में चले जाएंगे। इसलिए बिजली को सर्वोच्च प्राथमिकता दी जाए। हम लोग आपकी पीठ पर हैं, आप आगे बढ़ें। बहुत सारे लोग सरकार में ऐसे हैं जो यह नहीं होने देंगे और इस काम में अड़चन डालने की कोशिश करेंगे। जेनरेशन को प्राथमिकता देनी चाहिए। अगर बिजली उत्पादन नहीं होगा तो देश का विकास रुक जाएगा। जैसा पाटिल जी कह रहे थे कि सूरज भगवान से बिजली लें, आइंस्टाइन ने थ्यौरी बताई थी कि मास से एनर्जी होती है और E=MC2 का फार्मूला है, उसके लिए टेक्नोलॉजी की जरूरत है, वह सब हो। लेकिन इसमें पूंजी निवेश होना चाहिए। बिजली विकास योजना और राट्रीय विद्युत कोा के बारे में हमने पढ़ा था, उसकी क्या स्थिति है ? अगर कोई कमजोरी होगी, तो हम लोग आपका साथ देंगे।

सभापति जी, पन-बिजली की बहुत भारी उपेक्षा हुई है। इसमें रेशो कम से कम 60-40 का होना चाहिए। पन-बिजली स्वयं हो जाए तो बहुत बढ़िया बात है। अगर बिजली की इतनी पोटैंशियलिटी न हो तो कम से कम 100 में 40 प्रतिशत पन-बिजली होनी चाहिए। हमारे देश में प्रकृति ने पन-बिजली की पर्याप्त पोटैंशियलिटी दी है। नार्थ-ईस्ट में हिमालय से आने वाली नदियां, फिर बिहार में कोसी नदी के ऊपर 3800 मैगावाट बिजली पैदा हो सकती है। इसी तरह से नुनथर में बागमती के ऊपर, नरायणाघाट में गंडक के ऊपर, करनाली में सरयू नदी पर कुछ स्कीम बना रहे हैं। भारत-नेपाल समझौता कर रहे हैं। इसी तरह से केरल में, उड़ीसा में और देश के तमाम हिस्सों में पन-बिजली की पर्याप्त पोटैंशियलिटी है। इसलिए बिजली को सर्वोच्च प्राथमिकता देनी चाहिए और उसमें भी पन-बिजली को प्राथमिकता देनी चाहिए। अन्य विकास योजनाओं को दो-चार साल के लिए अगर रोक भी दिया जाए तो हम सह लेंगे लेकिन पन-बिजली के विकास को नहीं रोकना चाहिए। अन्य विकास कुछ पीछे होगा तो कोई हर्ज नहीं है। पानी से बिजली पैदा करना और कोयले से बिजली पैदा करना, इन दोनों में कितना अंतर है। अब तक पता नहीं कितना पानी हमारा बेकार बह गया है, वह पानी अब बेकार न बहे, इस बारे में कोई ठोस योजना बननी चाहिए। अर्थशास्त्रियों ने देश के साधनों के देखते हुए कोई दूरदृटि वाली योजनाएं नहीं बनाईं। इसीलिए पन-बिजली की उपेक्षा हुई। अगर पन-बिजली को सर्वोच्च प्राथमिकता दी जाए तो हम आपके साथ हैं। माननीय भावना चीखलिया जी यहां बैठी हुई हैं वही जाकर माननीय प्रधान मंत्री जी को बताएं कि देश में इस तरह की भावना प्रकट की जा रही है। नार्थ-ईस्ट में वैसे भी विकास के लिए विशेा प्रावधान किया गया है, उसी प्रावधान में पन-बिजली के लिए तमाम पैसा लगा दिया जाए तो अच्छा रहेगा। सारे विद्वान आदमी समझ कर बताएं कि पन-बिजली को पीछे क्यों छोड़ा जा रहा है और उसके बिना आप आगे कैसे बढ़ पाएंगे। थर्मल पावर और न्यूक्लीयर पावर की बहस में बड़ा समय लगेगा। उसमें जो राख होती है उसके पर्यावरण खराब होगा। थर्मल पावर से, गैस से, तेल से बिजली पैदा करते हैं और उसके बाद ट्रांसमीशन का भी राट्रीय पावर ग्रिड बनना चाहिए, जो एक हिस्से से दूसरे हिस्से में बिजली पहुंचा सके। देश के पूर्वी हिस्से में ज्यादा बिजली है और तीन हिस्सों में बिजली कम है, जितनी जरूरत है उससे कम है। पावर ग्रिड रहता तो बिजली एक हिस्से से दूसरे हिस्से में पहुंचा सकते थे। इसलिए नेशनल पावर ग्रिड होना चाहिए। नदियों को जोड़ने वाली योजना होनी चाहिए जिससे पानी को एक स्थान से दूसरे स्थान तक ले जाया जा सके। बिजली तो तार से जाएगी, इसलिए राट्रीय पावर ग्रिड को प्राथमिकता देनी चाहिए। ट्रांसमीशन और इलैक्ट्रिफिकेशन पर ध्यान देने की ज्यादा जरूरत है।

बिजली चोरी का भी संकट है। अभी लोगों ने कहा कि तीनों एक्ट निरस्त कर दिये गये। बिजली सप्लाई एक्ट खत्म हो गया। बिजली बोर्ड उसी एक्ट के तहत था, वह आपने खत्म किया। इलैक्ट्रिसिटी एक्ट खत्म किया, रैगूलेटरी कमीशन निरस्त किया। पता नहीं कैसे आप इसको ठीक-ठाक करेंगे। हमने सब क्लॉज देखी हैं। बिजली बोर्ड का फिर पुनर्गठन होगा। बिजली बोर्ड को तीन हिस्सों में बांट दिया जाए।

**सभापति महोदय** : अब आप कृपया समाप्त कीजिए।

**डॉ. रघुवंश प्रसाद सिंह** : जिससे देश का लाभ हो, फायदा हो, उसी बात को मैं बोल रहा हूं।

**सभापति महोदय** : इलैक्ट्रिफिकेशन और डिस्ट्रीब्यूशन दो ही बिन्दू हैं। आप अब समाप्त करिए।

**डॉ. रघुवंश प्रसाद सिंह** : महोदय, डिस्ट्रीब्यूशन लास, बिजली की चोरी हो रही है। बिजली की तार, लोह की हो या तांबे की, बिजली घट जाती है। कोई भी धातु हो, बिजली घट जाती है। यह एक राट्रीय समस्या है। दिल्ली में प्राइवटाइजेशन हुआ है। उपभोक्ता की हालत खराब है। माननीय सदस्यों से पूछिए कि प्राइवटाईजेशन होने से क्या-क्या तकलीफ हो रही है। इससे तो किसान और गरीब आदमी मर जाएगा। सरकार द्वारा कहा गया है कि सन् 2012 तक घर-घर में बिजली होगी, 24 घन्टे बिजली होगी। यह एक सपना है। साकार हो, इसके हम पक्षधर हैं। मैं पूछता हूं, अब तक कितने लोगों को बिजली मिली है। वास्तव में बिजली का संकट है। इसलिए ट्रांसमीशन और डिस्ट्रीब्यूशन लास को ठीक करना चाहिए। सरकार की एक कुटीर ज्योति योजना है। इस योजना के द्वारा एससी, आदिवासी लोगों को बिजली

देने की योजना है। सरकार बताए, कितने आदिवासियों के घरों में बिजली दी गई हैâ€¦ (व्यवधान) इस योजना की मोनिटरिंग होनी चाहिए। यह देखा जाना चाहिए कि गरीबी की रेखा से नीचे रहने वाले लोगों को घरों में बिजली गई है या नहीं। जिस दिन उनके घर में बिजली चली जाएगी, दुनिया में हिन्दुस्तान का स्थान एक नम्बर पर आ जाएगा। बिजली के मामले में हम पीछे चल रहे हैं। जिस बिहार में बिजली पहुंच जाएगी, बिहार भी हिन्दुस्तान में एक नम्बर पर आ जाएगा। मुजफ्फरपुर में 220 मेगावाट का थर्मल पावर यूनिट बराबर बन्द रहता है। राज्य सरकार बिजली बोर्ड इससे सहमत है कि इसको एनटीपीसी को दे दिया जाए। एनटीपीसी उसको ले ले। बिहार में 400 मेगावाट के प्रोजैक्ट्स के लिए 2000 करोड़ रुपए निवेश करने चाहिए। इस राशि को खर्च करने के लिए बिहार और बिजली बोर्ड के बस की बात नहीं है। इसलिए एनटीपीसी को देकर जनरेशन की समस्या में सुधार करना चाहिए। राज्य सरकार और बिजली बोर्ड सहमत हो गए हैं। ट्रांसमीशन भी गोरखपुर से मुजफ्फरपुर होते हुए गोवहाटी तक 400 केवी का प्रस्ताव मन्जूर है। इस काम को करने में समय लगेगा, लेकिन इसको प्राथमिकता देनी चाहिए। इसी प्रकार फरक्का से बिहारशरीफ होते हुए 400 केवी की लाइन भी मन्जूर है।

सब-डिस्ट्रीब्यूशन वाला काम होना था और उस पर खर्चा होना था लेकिन यह काम अभी तक नहीं हुआ। फाइनान्स डिपार्टमैंट और योजना आयोग ने कहा था कि इस पर 375 करोड़ रुपए खर्च होने थे लेकिन यह काम अभी तक नहीं हुआ। इससे संबंधित योजना के बारे में मैंने माननीय वित्त मंत्री जी से भी कहा था। उन्होंने कहा कि वह कैबिनेट में जाएगा। यह मामला यदि जून में जाएगा तो बरसात शुरु हो जाएगी। इससे एक साल खराब हो जाएगा। माननीय वित्त मंत्री इसमें विशेा रुचि लेकर सब-ट्रांसमिशन योजना का कार्यान्वयन जल्दी करें।

दूसरी बात यह है कि तेलूघाट परियोजना का निगम बना लेकिन उसका ऑफिस पटना में है। रीऑर्गेनाइजेशन एक्ट के हिसाब से बिहार की जो हिस्सेदारी होनी चाहिए, वह उसे नहीं मिसी। गृह विभाग के निर्देश पर एकतरफा फैसला हुआ। बिजली विभाग ने इसे कैसे मंजूरी दे दी, मुझे मालूम नहीं। ऐसा करके बिहार के साथ अन्याय हुआ। तेलूघाट निगम और डीवीसी में हमारी पूंजी लगी है। कैसे बिहार को इससे वंचित कर दिया गया? â€¦ (व्यवधान)

**सभापति महोदय :** अब आप अपना भााण खत्म करिए।

**डॉ. रघुवंश प्रसाद सिंह** : अब झारखंड के नए मुख्यमंत्री बने हैं। पूर्व मुख्यमंत्री श्री बाबू लाल मरांडी का बयान आया कि वहां के मंत्री ने तेलूघाट निगम का अध्यक्ष बन कर अपने चहेतों को ठेकेदारी दिलाने के लिए अवैध कार्य किया। मैं इन सब का भंडाफोड़ कर दूंगा। जनता के हितों की अनदेखी हो रही है। तेलूघाट निगम और डीवीसी में बिहार की हिस्सेदारी होनी चाहिए क्योंकि उसमें हमारी पूंजी लगी है। जिस किसी जगह हमारी पूंजी लगेगी, उसमें हम अपनी हिस्सेदारी लेकर रहेंगे। इस बात पर अवश्य विचार होना चाहिए। डैवलपमैंट रिफॉर्म प्रोग्राम के अन्तर्गत क्या काम हो रहे हैं? उसमें हमें कितना हिस्सा मिला? मीनिमम नीड प्रोग्राम पर एक बार में 37 करोड़ रुपए मिले। उसमें से 28 करोड़ रुपए झारखंड को और बिहार को केवर 9 करोड़ रुपए मिले। यह कैसी नीति है? जब तक बिहार ऊपर नहीं उठेगा तब तक हिन्दुस्तान तरक्की नहीं कर सकता। â€¦ (व्यवधान)

**सभापति महोदयः अब माननीय सदस्य की कोई बात रिकॉर्ड में नहीं जाएगी।**

...(व्यवधान) ।

**संसदीय कार्य मंत्रालय में राज्य मंत्री तथा पर्यटन और संस्कृति मंत्रालय में राज्य मंत्री (श्रीमती भावनाबेन देवराजभाई चीखलीया) : सभापति महोदय, मुझे रघुवंश बाबू ने कहा कि हम लोग हाउस में जो कुछ कह रहे हैं, उसके बारे में अटल जी को मैसेज दिया जाए। मैं रघुवंश बाबू से कहना चाहती हूं कि उन्होंने जिस तरह इस बिल का समर्थन किया, उसी तरीके से वह सभी बिलों का समर्थन करेंगे तो यह काम बहुत जल्दी हो जाएगा।**

**डॉ. रघुवंश प्रसाद सिंह** : हम सभी बढ़िया बिलों का समर्थन करेंगे।â€¦ (व्यवधान)

* Not Recorded.

**17.59 hours** (Mr. Speaker *in the Chair*)

SHRI K. YERRANNAIDU (SRIKAKULAM): Mr. Speaker, Sir, the Electricity Bill 2001 is a bold and a comprehensive initiative. My Party is wholeheartedly supporting the Bill. In the power sector, we also have initiated reforms in Andhra Pradesh.

Sir, power is a tool for economic development. Power is mother of the industries. Without industrial growth, there is no economic development; there is no poverty reduction; and there is no employment.

**18.00 hrs.**

The Andhra Pradesh Government initiated power reforms in the year 1995-96. After the initiation of power sector reforms, the State Government has faced a lot of problems also. Reform is the need of the hour to improve power sector, throughout the country. That is why, we are supporting this Bill. The Government of India should also promote private investment.

The dues of the Electricity Boards to the Central Government utilities are to the tune of Rs.40,000 crore. Commercial losses of the Electricity Boards last year were to the tune of Rs.25,000 crore. I am the Chairman of the Standing Committee on Railways. In India, so many Electricity Boards have not paid their dues to the Indian Railways for the last 15 years due to bad financial health. They have no investment for further generation in that particular State. So, the private investment is the need of the hour. The Government of India has also to encourage private investment. Hopefully, with this Bill when passed, private investment will come to our country. I am requesting all the political parties. Everybody knows this that we cannot store power like any other commodity.

Generation and consumption should match. What is our country's requirement? What is the generation to be made? We have to plan accordingly. The subject of electricity is included in the Concurrent List. Till today, the Government of India is making legislations on the power sector and even the State Governments are passing certain

legislations. Till today, power sector is governed by three legislations. After passing this Bill, there will be one uniform Act, that is, the Electricity Act, 2001, which we are considering for passing.

Even the political parties are also incorporating this in their manifestos. After reform process started by the Congress Government in 1991, in the year 1992 we gave permission for the private investment in the power sector. Now also, the political parties, for their gains, are incorporating 'free power' for farmers in their manifestos. After 54 years of Independence, at this point of time, we have to think whether it is vital or not, before putting 'free power' for farmers in the manifestos.

For example, the Congress Party, at the national level, has a policy; I am appreciating it. They have no 'free power' for farmers. But the State parties, at their levels are adopting their individual policies. How will it be? There should be a concrete policy, for any political party, at the national and at the State levels.

The Tamil Nadu Government also recently announced that they would give free power. After the Electricity Regulatory Commission was established, they have fixed price for electricity used by farmers. Ultimately, the Government is providing subsidies to the farmers. If a Government is wealthy and if it is interested in the farming community, then it can give subsidy to the poorest of the poor, but it should not put burden on the Electricity Boards.

MR. SPEAKER: Just a minute. With the consent of the House, I am extending the time of the House, till the Bill is approved and passed. बिल पास होने तक मैं टाइम बढ़ा रहा हूं।

SHRI K. YERRANNAIDU : We have to discuss exclusively about this; we have to adopt things like VAT. We have to follow certain norms or policies, as political parties. Then, if we have a common policy, it will help the country in developing power sector. That is why, I am supporting this Bill.

Theft and transmission losses are also alarming.

With this Act, we can control the theft and transmission losses. In some States these theft and transmission losses have reached even 40 per cent, which is most alarming. No Electricity Board can survive or no State Government can function with such a huge loss. It will be very difficult to function because there will be no investment. In some of the States, even 40 per cent of the villages have no electricity. In this scenario, we have to reduce the transmission losses and theft.

This Bill has a number of clear-cut provisions to reduce the theft. There is a mandatory obligation on the State Governments to provide a State Electricity Regulatory Commission. An Appellate Authority is also there to dispose of the cases. This Bill is a new initiative and a bold step in the power sector. So, I support it wholeheartedly.

A number of States are going in for reforms. They are facing a lot of problems. The Government of India should create a common kit out of which those States which are taking more initiatives in this regard should be given more fund. We will have to take initiatives in the power sector, otherwise, the States will face a lot of problems. The Government of India should give adequate help to the States which are going in for reforms.

With these words I conclude.

MR. SPEAKER: Shri Palanimanickam has requested me to make one clarification. He is allowed to speak to that extent only.

SHRI S.S. PALANIMANICKAM : Thank you, Mr. Speaker, Sir. One of the hon. Members, Shri Selvaganpathi has made an allegation against the previous DMK Government in Tamil Nadu that we are accepting this Electricity Bill to forego free electricity to the farmers. He has misled the House. Without sufficient proof, he has made this statement in the House. I object to it and may clarify that our Government had not given any proposal to the Government of India to withdraw free electricity to the farmers.

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**18.08 hrs.**

**SHRI PRAKASH YASHWANT AMBEDKAR (AKOLA): Thank you for giving me this opportunity.**

**MR. SPEAKER: Not opportunity, but for giving priority.**

**SHRI PRAKASH YASHWANT AMBEDKAR : Thank you, Sir. I have been a part and process of this Bill right from 2000. Let me go on record that what we received as the first Bill was not a Bill for the Government of India but was a Bill for the Government of Philippines. So, what we are doing is, we are copying this Bill that was drafted for another nation.**

**The Committee was criticised for taking more than two and a half years and for sitting over the Bill. But what the**

**Committee was trying to do was to Indianise the Bill. There were provisions which were not in favour of the nation. They were basically sought to be drawn on situations that were there in California, and those situations were sought to be brought into this new Bill. The Committee saw to it that we delete some of the provisions. We made certain changes in it and some of them had been accepted and that have been projected as a new Bill.**

**Sir, let me be on record that the main provisions which the Committee has suggested have not at all been accepted and I am going to deal only with these major provisions which are going to affect us. I have my own apprehensions that if the Bill is passed as it is and accepted as it is, the first casualty is going to be the rural sector. I will just refer to the comparison that has been given by the Ministry. That was one of our major objections. A comparison was given to us between the 1948 Bill and the present Bill, and this is what it has to say.**

> **"This clause aims at addressing the requirement and catering to the needs of the rural areas without connectivity to the Grid. "**

If there is no connectivity of the rural areas to the Grid, where from the rural sector is going to draw its power? This is what the Ministry has to say:

> "This process of encouraging renewal energy sources will be the source of power to the rural areas."

Sir, what is the generation in the non-conventional sector? It is not even one per cent of the total requirement. Of one lakh megawatt which we produce today, it is not even one per cent and by 2012, an additional one lakh megawatt is going to be needed. I would like to ask Shri Yerrannaidu who is supporting this Bill, if the rural area is not going to be connected by the National Grid, where from is the rural area going to draw its electricity? Are they going to keep them in dark?

Sir, unbundling of the State Electricity Boards is already in process. The Central Government is pressing them by doling out nearly Rs.30,000 crores before them as a package. But I am only concerned with the transmission side. I am not going to discuss the distribution because once the National Grid is limited to the areas of cities, there would be problems. Even among the cities, there are some city areas which have more commercial areas and some have less commercial areas. The distribution is going to be privatised. There is nothing in the Bill which says that there is going to be some correlation between the commercial areas which will be privatised and the rural areas which will be left out.

The Committee has suggested that there should be some correlation in the commercial areas that are going to be distributed and privatised. The Bill is silent, The Committee's recommendation has not been accepted. I would like the Minister to clarify specifically one issue whether he sticks to the statement of detaching the rural areas from the National Grid, as has been stated by the Ministry, or whether he assures the House that all rural areas will be connected with the National Grid.

The second clarification which I would like to have from the Ministry is that if you are going to privatise distribution in those areas, which are commercial, those areas which are not commercial, and those areas which are going to be commercial, what is going to be the situation in the rest of the areas? Are they going to be a burden on the State Electricity Boards? Already captive sector has been introduced. The captive sector has been introduced only in the heavy industrial sector. They are the biggest pay masters for the State Electricity Boards and if the biggest pay masters are going to be the captive generators, then the biggest loss is going to be of the State Electricity Boards. By framing a National Policy, which is a concurrent subject, I do not know how many of us have realised in this Bill that as far as generation, transmission, and distribution is concerned, this Parliament has become irrelevant. There is nothing in the Act and in the provisions where this Parliament can control the generation sector, at least. If you come to the State Assemblies, they have been made redundant. As far as generation and distribution are concerned, the only thing which you have to do is to hand it over to the private sector and no other role remains for you.

Sir, the Committee had suggested to the Ministry to develop some kind of a relation between the State Legislature and the Ministry in order to deal with the subjects that are in the Concurrent List. I would like to inform this august House that the Government of Kerala, right from the beginning, are against this Bill. They are on record saying that they are not going to accept the provisions of this Bill and that they are going to have their own State Electricity Bill. I would further like to inform this august House that the provisions as contained in their Electricity Bill are much better than what has been provided for here in this Bill. They are proposing to give electricity at a much cheaper rate than that would be provided by this Government after the passage of this Bill. Now, in case of such a conflict, what is the role of the Central Government? I know there is a Constitutional provision of overriding the powers of the State Assembly in case of a conflict. But this is a situation where it is not a question of conflict. It is a case of dealing with a subject in the Concurrent List. It is a question of distribution of power. In accordance with section 64

and 65 of the Act of 1948, in case of a sanction above Rs. 10 lakh, the concurrence of the State Assembly was necessary. Today, the Government proposes to do away with it. Some of the State Assemblies are not ready to give away that power. I would like to know from the hon. Minister as to how the Ministry is going to react in such a situation.

Sir, some Members have spoken about private participation. I had been the one person who had been saying right from the beginning that private sector will not come into this sector. Let me give the figures. There were 18 projects, each of 500 MW capacity. Out of these many, only three have commenced, and out of three, only one is functioning and the other two have closed down. What are the benefits that were given for these 18 projects? They were given Sales Tax benefit. They were given Income Tax benefits and they were also given guarantees. But even then majority of these projects have not come up. Some of these projects were announced as early as in 1994-95, but they have still not materialised. If the Government still believes that private players would come for the new projects in the power sector, then I do not think that is a right thing to do. At least in a planned regime we have a situation where the States would jack up their demands for power. Therefore, the Planning Commission used to give some funds for the generating sector. But in the last ten years, there has been very little contribution from the Government side. As far as the new Budgetary provisions for the last three years are concerned, I did not find any provisions being made by the Government for the generating sector.

Sir, it is being said that the country has a shortage of 12 per cent of the peak period. Yes. We do have that shortage. What is the power situation in this country? In the Eastern sector, there is a surplus of 42 per cent and there has been a surplus of this magnitude in this sector for the last ten years. We have not exploited this. We are only talking about shortages. If this 42 per cent surplus is evacuated from the Eastern sector, then the peaking demand would come down by six per cent. This has not been done since we do not have transmission. I would very categorically like to know from the hon. Minister whether he would like to exploit this surplus 42 per cent power in the Eastern sector or not.

The power tariff depends upon what kind of mix we have. During the Fifth Five Year Plan the mix was 40 per cent hydel and 60 per cent thermal. What is the situation in the Tenth Five Year Plan? This mix has come down. It is 27 per cent hydel and the rest is thermal and nuclear. It has always been said that setting up hydel projects takes a long ti me. I do agree. But where is the bottleneck? The bottleneck is the CEA. I can understand the Ministry of Environment and Forests taking time to clear a project. But even after the projects are cleared by the Ministry of Environment and Forests, they get stuck up in the CEA. The Committee, therefore, has suggested that the powers of the CEA be diluted.

I do not mention what happened in Enron case. Our learned friend Shri Shivraj Patil did mention it. But the book by Shri Abhay Mehta not only does have a mention about it, but also he has produced a note which the CEA has got from the Ministry of Finance. I would like the Minister to be on record whether the DABHOL project was finally sanctioned by the CEA, by the Ministry of Power or whether the final sanction was given by the Ministry of Finance. If the note is to be believed, then the DABHOL project was sanctioned by the Ministry of Finance and not by the Ministry of Power or the CEA as it should be.

Let me give the example of one project because this question of the cost of a hydel power project has been agitating our minds for quite a long time. We have made a suggestion that the time factor should be looked into. The project in question, that is, Malana Private Power Project, was handed over to the private sector for completion. It was suggested that the project would take about eight and a half years to complete. But the private firm completed it within three years and that too with cost effectiveness.

There is another factor which you will have to look into. If power from the northeastern States, which is going to be the cheapest power, is to be tapped for use in the respective States and at other places, then the cost factor of maintaining the law and order should not be in-built into those projects. In all the projects that are coming up in the northeastern States, the cost of maintaining the law and order is loaded into the projects and therefore, they are becoming unviable.

Lastly, our most important suggestion to the Ministry was with regard to our neighbours on the international borders for whom electricity is going to be one of the biggest revenue generators. In some cases, the Ministry of External Affairs has taken the initiative. But this Bill does not contain any provision where trading can take place and where purchase can take place from those neighbours who are independent countries. We have already gone into a situation where there are rivers which are connected with each other because of which some development has taken place. If this Bill is going to be totally in the hands of the administration as it has been suggested, then, with the multiplicity of the bodies and powers that we have created not only in the dispatch load centres, but also in the authorities that we have created, your task is going to be that much difficult. I would like the Minister to tell us whether he wants to really make this Bill a functioning legislation.

One very big question that was asked to us, not by the laymen, but by the Chambers of Industry was this.

They said that by the two Acts of 1910 and 1948, involving the private sector was possible. Then what is the need for a new Bill? Let me tell you we were in no position to answer that. We put the same question to the Ministry itself. The only satisfactory answer which they gave was that it is for the unbundling of the SEBs. The other answer which they gave was that whenever there is going to be excess of generation, you can have a system of loading and off loading of power. There is no other justification which was given for the Bill. Maybe the Minister will be able to convince us as to what is the necessity for introducing the Bill.

MR. SPEAKER: Before the next Member starts speaking, I would like to bring to the notice of the House that most of the political parties have exhausted their time. But since the Bill is important I am going to allow the Members to speak. I would request them to be as brief as possible. They should finish their speech within five to ten minutes.

SHRI PRABOD PANDA (MIDNAPORE): Mr. Speaker, Sir, thank you. I rise not to support the Bill. I have some reservations about this Bill. I oppose some clauses of this Bill. I have listened to the speech made by the hon. Minister. I attentively listened also to the speech made by the Deputy Leader of the principal Opposition Party, Shri Shivraj Patil.

**18.27 hours** (Dr. Raghuvansh Prasad Singh ***in the Chair)***

At the very outset, I must say that I could not understand the logic of endorsement that is made in the speech of hon. Shri Shivraj Patil. He spoke well. He was quite analytical. But I could not find any logic of endorsement there.

Sir, India ranks sixth in the world in terms of energy demand, accounting for 3.5 per cent of all commercial demand in 2001. With the GDP growth of eight per cent for the Tenth Five Year Plan, the energy demand is expected to grow at 5.2 per cent. Although the commercial energy consumption has grown rapidly, large parts of the population of our country do not have access to it. Despite the resources growing in our country, we should agree and admit that large sections of our country are still without electricity. There is no rural electrification. So, sufficient power generation, transmission, distribution and supply is required. Now-a-days, we cannot think of a civilisation without power generation and without proper distribution or transmission. We cannot think of it. But I must say that the basic idea of this Bill is not to protect the interest of the consumers. The basic idea of this Bill is to facilitate multinational companies and to facilitate the greedy policies of globalisation, privatisation and liberalisation.

This draft is made based on this idea. So, this is the philosophy behind this Bill and my main objection to this Bill is only due to this philosophy. What is the concept of this Bill? The concept is to create the market, users and companies and open the sector to the multinational corporations or big companies. Then, the concept is to withdraw the basic responsibility to provide power to the people at large.

Sir, captive generation of power is freely permitted as per the provisions of this Bill. Then, there are provisions for giving private transmission licences and for imposing surcharge for taking care of the current level of cross-subsidisation. Some hon. Members mentioned about the tariff. Shri Shivraj Patil has rightly mentioned that if this Bill is passed, it is apprehended that within one or two years, the tariff will go up by not less than Rs. 10 per unit of power. Will it help the consumers in general? It will not help them. So, I am opposing this Bill.

Sir, what is the attitude shown in this Bill towards farmers and people in rural areas. Several hon. Members referred to the situation that existed in the former Soviet Union. I am pleased to refer to Lenin, the founder of the former Soviet Union. He made a comment that rural electrification in the hands of the State of the proletariat is socialism or communism. But ours is not a State of the proletariat. Here, the Government of the day is doing enough to facilitate the multinational corporations. So, this is my basic opposition to this Bill.

Sir, some hon. Members have rightly asked as to what is the urgency to bring forward this Bill now? I think, the urgency is due to the commitment made to GATT and due to the commitment made to the WTO. We are facilitating the private companies and here we have enough experience to draw from the case of Enron. If all the three aspects of the power sector, namely generation, transmission and distribution are opened to the private sector, who will control them? There will be total anarchy. The most injurious thing to the development of the country is that the power sector would be under the control of private companies in different colours and in different forms. This is not the role of a welfare State. My question is: is our State a welfare State?

I would like to know whether we have a responsibility towards the downtrodden people. We are going to phase out the cross subsidy. Will it help the people who are engaged in agriculture? Will it help the middle class people? Will it help the poor people? I think, all this should be reviewed.

At the very outset, the hon. Minister in his speech has stated that most of the recommendations of the Standing Committee have been taken into consideration. What was not taken into consideration was related to the policy. What was the policy?

I am not going to take much time of the House. I oppose this Bill and I think, the Government should not be in a hurry. They should think over it again. This is a concurrent subject.

Lastly, the hon. Minister has mentioned about the national policy on electricity. I must say that it should be announced after discussion in the House and the House should be taken into confidence.

श्री हरीभाऊ शंकर महाले (मालेगांव) : सभापति महोदय, विद्युत विधेयक 2001 सदन में आया है, बहस हो रही है और मेरे से पहले बोलने वाले माननीय सदस्यों ने अच्छी तरह से बहस की है। मैं तो इस बिल का समर्थन करने के लिए खड़ा हुआ हूं। बिजली का विाय बहुत महत्वपूर्ण है। आज बिजली खाली प्रकाश देने वाली चीज नहीं रह गयी है। देश के विकास का काम बिजली करती है। दाभोल का एक उदाहरण मैं देता हूं। एनरॉन बिजली कंपनी ने ठीक से काम नहीं किया। आज महाराट्र में 110 रुपये महीने में भरने पड़ते हैं। इसके बारे में भी केन्द्र को सहयोग देना चाहिए। केन्द्र सरकार ने एनरॉन कंपनी को सदन गिरवी दे दिया है, राट्रपति भवन भी गिरवी दे दिया है। इतना बड़ा काम केन्द्र सरकार ने किया है, यह बहुत खराब बात है। आज निजीकरण पर सरकार चल रही है लेकिन सरकार को निजीकरण के बारे में आश वासन देना चाहिए कि इतनी यूनिट इतने दामों में लोगों को मिलेगी - ऐसा आश्वासन सरकार को लोगों को देना चाहिए। सरकार को यह भी देखना होगा कि ग्रामीण इलाकों में भी बिजली पहुंच रही है या नहीं। आज किसान और उद्योगों को बिजली नहीं मिल रही है। वहां बिजली का पहुंचना बहुत जरूरी है। केन्द्र और राज्य सरकारों का जो अलग-अलग सवाल बताया जा रहा है उस पर भी संयुक्त रूप से विचार करके बिजली के बारे में कोई योजना बनाने की जरूरत है। हमें बिजली बोर्डों को सक्षम बनाना चाहिए। आज 40 प्रतिशत बिजली की चोरी होती है इसीलिए बिजली बोर्ड घाटे में चल रहे हैं। इस चोरी को रोकना भी जरूरी है। गीता हमारा बहुत बड़ा ग्रंथ है और माननीय गीते साहब ने भी बिजली के बारे में जो ग्रंथ खोला है वह बहुत बड़ा है। माननीय बहनजी भी उनके साथ हैं। मेरी प्रार्थना है कि माननीय गीते जी महाराट्र के हैं, बिजली में सुधार होगा तो महाराट्र की ऊंचाई बढ़ जाएगी, ऐसी मैं उम्मीद करता हूं।

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Mr. Chairman, Sir, this comprehensive Bill has come after the experience of about 90 years. The first part of 38 years was for commercial purpose and subsequent part of 52 years from 1948 was for social purpose of developing a modern India under the leadership of Pandit Jawaharlal Nehru. We know the history that when Lenin wanted to socialise the entire USSR, he felt that electricity was one of the main tools through which the entire society could be brought under socialism. In the same way, the welfare States had also taken into consideration that resource of electricity should be in the hands of the people, that is, the State, and it should be equitably distributed to the people according to the needs of the day.

We succeeded in the first part of the four decades where Pandit Jawaharlal Nehru generated power through natural resources, which were available in India, and through hydel projects. He dedicated hydel projects as one of the dynamic machinery, which made new and modern India to compete in the world arena. Subsequently, Indira Gandhi, as the dynamic Prime Minister, developed thermal projects and also atomic technology, which became electricity-producing sector for India. No doubt, the world was astonished over the presence of atomic energy being utilised for peaceful purpose and also for the development of India during the period of Shrimati Indira Gandhi.

Now, we have got the capacity; we have got the resources; we have got non-conventional energy resources; we have got tidal energy, which we can utilise; we have got wind energy; we have got water; we have got coal and other materials which can be utilised for the purpose of generating electricity. We have also got carbon products available for generating electricity.

What is the necessity for privatisation? It is purely because of non-planning and not executing things properly. Even in this Bill, we thought that we could honour your predecessor, Shri Suresh Prabhu, who brought this Bill. He was a very enthusiastic young man and at that time, he was having a vision that he could achieve certain generation of electricity for the needs of the Indian people. But at the same time, when we have gone through this Bill, we find that Clauses 7, 8 and 9, which speak about the generation of electricity, are not at all focusing upon the specific areas where generation is going to be open, generating electricity project is going to be open to the private sector. It is a pinching way of telling that if you start a hydel project, then you come to the Government and get the clearance. What about the other projects? We have to focus those things. Generation of electricity is important because high demand is already there. The agriculturists are trained to utilise electricity. The small-scale industries, medium industries and heavy industries are also trained to utilise electricity. Every household is utilising electricity. People have started making their food by using electricity. People are using air-conditioners and other things. That type of demand for electricity is there. How much are we generating? That focus is absent in this particular enactment. We feel that that should be focussed. Only then, the private sector investment, especially the foreign investment, can come into India.

It is a consumer product and it is a hot cake, which can be sold very easily in developing India. People are ready to get electricity by paying the cost provided it is made available at any time. Even the agriculturists are ready to get electricity if you are ready to give it immediately.

What is the situation in India? We have to wait for so many years for getting a small pump set connected by electricity. There is no doubt that the electricity line is going a long way. It has got its transmission loss. Wastage is

also taking place. At the same time, how best do we have to utilise the technology so that we can reduce the transmission wastage and utilise that power for the purpose of the agriculturists? That type of demand is now coming forward. The people are ready to pay. In Tamil Nadu, they have to deposit Rs.25,000 for getting a connection. The people are ready but the Government is not ready and the State Electricity Board is not ready to give the connection because they do not have the power to distribute. That is the situation in every State. ...(*Interruptions*) I may be permitted to speak for a few more minutes.

Therefore, given the priority in this sector, we have to find out a way to see that there is generation of more electricity so that this enactment gives a new way for the foreign investment to take place in this sector.

Secondly, I would like to concentrate on transmission loss. Transmission wastage is only due to the mismanagement. You have now captive power generation. Captive generation is also allowed here. Even a small sugar mill can generate electricity. They are selling at a higher profit. They are not selling to the agriculturists, but they are selling to the State Electricity Boards which subsidise it and then sell it to the agriculturists. That is the way it is happening now. Therefore, there is a resource available. We can produce electricity through the sugarcane molasses. That is the raw material available now. But that electricity is not having the value addition to the agricultural products. Also, it is not used by the agriculturists straightaway for getting a proper price for that particular electricity by fair means. They are selling to the Electricity Boards and the Electricity Boards are selling again by giving subsidy. Therefore, this aspect should be noted. A clear line should be demarcated so that the agriculturists are getting the benefit. Throughout India, the agriculturists should have the benefit of getting electricity at a cheaper price.

We are agitating in Tamil Nadu against the Government policy. They are asking for money for the electricity supplied to the agriculturists. But, at the same time, we know that if the price of the foodgrains is raised, if proper price is given to the agricultural products, then we will not be worried about the electricity being paid by the agriculturists. But if the price of the foodgrains is lowered and at the same time they are asked to pay for the electricity, that means the agriculturists are going to fall in the debt trap. Therefore, they have to come out of the debt trap. Only for that purpose, we are asking for it. Here you have given a provision.

SHRI T.M. SELVAGANPATHI (SALEM): Sir, could my learned friend explain to the House in which Congress-ruled State free electricity is given?

SHRI E.M. SUDARSANA NATCHIAPPAN : I would like to request my learned friend to advise his Chief Minister to increase the price of the foodgrains, that is, the paddy price should be increased, the price of sugar should be increased and the price of cotton should be increased. If the price of every agricultural product is increased, then we are ready to follow a timetable of electricity price in the Congress-ruled States. ...(*Interruptions*) Kindly ask your Chief Minister to do this and then you can come and ask me.

SHRI T.M. SELVAGANPATHI : I have asked a pointed question which State Government ruled by the Congress Party is giving free electricity to the agriculturists and the farmers. He is not coming out with an answer. None of the Congress-ruled States have given free electricity to the agriculturists. Then, what authority have they got to question the Government of Tamil Nadu?

SHRI E.M. SUDARSANA NATCHIAPPAN : I am not yielding. I have already replied, therefore, I do not want to yield to him for that question.

Now, the grant is given under clause 98. The Government is going to give grant for which purpose? "The Central Government may, after due appropriation made by Parliament in this behalf, make to the Central Commission grants and loans of such sums of money as that Government may consider necessary." Since there is Central grant, the States, which are giving free electricity to the agriculturists, should subsidise it.

Finally, I would like to sum up my submission by saying that the comprehensive Bill is appreciated, but at the same time it needs some more trimmings so that it can come to the market. The Preamble is not at all telling about the system, how it is competitive and how the private sector is going to come into the electricity field.

श्री सुरेश रामराव जाधव (परभनी) : सभापति महोदय, मैं विद्युत विधेयक, 2001 का अपनी और अपनी पार्टी शिवसेना की तरफ से पुरजोर समर्थन करता हूं।

कल इसी समय पॉवर मिनिस्टर ने इस बिल को इंट्रोड्यूस किया था और आज उन्होंने कई माननीय सांसदों के भााण सुने होंगे। उन्होंने पॉवर मिनिस्ट्री की भूमिका को कल ही स्पट कर दिया था, उस समय मैंने उन्हें बधाई दी थी। मेरे ख्याल से इस बिल का उत्तर देने की जरूरत नहीं है। कम्युनिस्ट पार्टी के हमारे मित्र, श्री प्रबोध पाण्डा को इस बिल में कुछ अच्छा दिखाई देता है या नहीं, मुझे मालूम नहीं। उन्होंने यहां तीन बातों का जिक्र किया। एक, बिल में उपभोक्ताओं के संरक्षण का ख्याल नहीं किया गया है और दूसरे, ग्रामीण विद्युतीकरण के संदर्भ में ग्रामीणों के लिये क्या प्रावधान हैं और तीसरे, इस बिल को इतनी जल्दी लाने की क्या जरूरत थी?

माननीय पॉवर मिनिस्टर इस बात का जवाब देंगे लेकिन यदि श्री पाण्डा ने बिल पढ़ने के बाद अपनी बात रखी होती तो अच्छा होता।

सभापति जी, माननीय पॉवर मिनिस्टर ने कुछ मुख्य विशेाताओं को लेकर यह बिल इस सदन में रखा है और सरकार ने स्वयं अपनी भूमिका को स्पट किया है। जहां तक ग्रामीण विद्युतीकरण को बढ़ावा देने की बात है, पॉवर मिनिस्टर को इसका बहुत एक्सपीरिएंस है। वे महानगर मुम्बई के पार्ाद रहे हैं। उनका निर्वाचन क्षेत्र जिला रत्नागिरी है जो छोटे-छोटे गावों तथा कस्बों का क्षेत्र है। इस प्रकार उनके पास महानगर मुम्बई और छोटे-छोटे गांवों का अनुभव है। उनके इस तरह के अनुभवों का दर्शन मुझे इस बिल में दिखाई दे रहा है। पॉवर मिनिस्टर ने इस बिल में विद्युत के बारे में चार मुख्य उद्देश्य रखे हैं। इनमें जैनेरेशन, बिजली का जल्दी उत्पादन करने के लिये प्रावधान रखा गया है। हमारे देश में 100 करोड़ से ज्यादा की जनता रहती है और हमारा कितना बड़ा भू-भाग है।

सभी को विद्युत प्रदान करना कोई आसान बात नहीं है। हम यहां पर चाहें कितने भी भााण दे दें। माननीय मंत्री जी ने स्वयं स्वीकार किया है कि अब तक हम 80 हजार गांवों में बिजली नहीं दे सके हैं। पचास प्रतिशत लोगों के घरो में बिजली नहीं दे सके हैं। भविय में घर-घर में बिजली पहुंचाने का प्रयास करने के लिए पावर मिनिस्टर ने यह बिल सदन में रखा है।

सभापति महोदय, इसमें जनरेशन की बात कही गई है। जनरेशन बढ़ाने के लिए क्या करना चाहिए। इन सब बातों को इस बिल में उन्होंने अच्छी तरह से रखा है। पारेष्ाण, ट्रांसमीशन में जो लॉसेज होते हैं, यह ठीक है कि हम बिजली का उत्पादन करते हैं। लेकिन जब बिजली का ट्रांसमीशन होता है तो उसमें गड़बड़ी होती है। इस गड़बड़ी को रोकने के लिए इस बिल में बहुत सारे प्रावधान किये गये हैं। बिजली का वितरण बहुत महत्वपूर्ण चीज है। जब बिजली का उत्पादन होता है तो जो उसका उपभोक्ता होता है, उसके घर-घर में तथा किसानों के खेतों में बिजली पहुंचाने कि लिए इस बिल में बहुत अच्छी बातें रखी गई हैं। श्री प्रबोध पांडा जी ने आरोप लगाया है कि सरकार ने इसमें उपभोक्ता के संरक्षण का ख्याल नहीं रखा है। उसका जवाब बिजली मंत्री अपने उत्तर में देंगे। लेकिन खंड 43(1) और 56(2) में जब मंत्री जी ने बिल इंट्रोड्यूस किया था, तब उन्होंने इसकी मंशा जाहिर की है। इसमें उपभोक्ता को सर्वोपरि रखते हुए, उपभोक्ता को केन्द्र बिन्दु मानते हुए उन्होंने यह बिल हाउस में रखा है। उपभोक्ता के हित सर्वोपरि हैं, यह पावर मिनिस्टर ने इंट्रोडक्शन के वक्त अपने भााण में कहा है।

सभापति महोदय, मैं इस विधेयक की कुछ विशेाताओं का उल्लेख करते हुए अपनी बात समाप्त करूंगा। टैरिफ सिद्धांत के बारे में इस बिल में विचार किया गया है। केन्द्रीय विद्युत प्राधिकरण द्वारा विद्युत चोरी को कैसे रोका जाए, इसका विचार किया गया है। बीस हजार करोड़ रुपये की बिजली की चोरी होती है। इस बिल के माध्यम से अगर हम इस बिजली चोरी को रोकने में कामयाब हुए तो बिजली का संकट हल होने मे काफी मदद मिलेगी।

अंत में, मैं कहना चाहता हूं कि दोनों विद्युत मंत्री महाराट्र से हैं। महाराट्र में बिजली की बहुत किल्लत है। वहां 1800 से 2000 मेगावाट बिजली की कमी है। महाराट्र का किसान बिजली के लिए परेशान है। लोड शैडिंग के कारण किसानों को आठ-आठ, दस-दस घंटे बिजली नहीं मिलती है। एक हफ्ते में दो-दो, तीन-तीन दिन लोड शैडिंग होती है।â€¦ (व्यवधान) महाराट्र में अभी शिन्दे साहब मुख्य मंत्री हैं। मैं आपके माध्यम से दोनों बिजली मंत्रियों को प्रार्थना करूंगा कि महाराट्र के किसानों की बिजली की हालत को सुधारने की ओर विशेा ध्यान दिया जाए। महाराट्र में जो ग्रामीण इलाके हैं, छोटे-छोटे कस्बे हैं, वहां घर-घर में बिजली मिल सके, इस बात पर ध्यान देना बहुत जरूरी है।

## 19.00 hrs.

सभापति जी, अभी बहुत से साथियों ने चिन्ता जताई। इस सौ करोड़ के देश में घर-घर में बिजली पहुँचाने के लिए हमारे दोनों मंत्री सक्षम हैं। भविय में बिजली का संकट दूर करने के लिए इस विधेयक से फायदा होगा और यह विधेयक उसमें असरकारक होगा। इस बिल पर सही मायने में अमल किया जाए तो इस देश का बिजली संकट हल करने के लिए निश्चित रूप से हम कामयाब होंगे, यही बात कहकर मैं अपना भााण समाप्त करता हूँ।

**SHRI BIKASH CHOWDHURY (ASANSOL): Mr. Chairman, Sir, while speaking on this Electricity Bill, 2001, I want to oppose certain points because they are worth opposing. I think that when this Bill was prepared, it was prepared under the prescriptions of market fundamentalists and they have prescribed that there should be competition in the power sector and that is why, the private parties should come to the power sector. Still, there is no bar on the private parties to come to the power sector and private parties are still working in the power sector.**

**This Bill is concentrated on unbundling and dismantling of the State electricity system. Why? Private parties will not come to the power sector unless the tariff is hiked to their satisfaction. Private parties are not coming. That is why, they are insisting that the tariff should be hiked. Then, they will come. This is the experience of Orissa and other States.**

**In the international arena and in the national arena, you cannot show any example where they have been successful with this reform and restructuring in the power sector. France and Norway are the capitalist countries, but still they do not require reform and restructuring in the power sector. They have plainly told the market fundamentalists of the world that this will create a complex situation and will be burdensome on the State. That is why, they refused to accept reform or restructuring, whatever you call it, in the power sector. Even Norway has not accepted it.**

**That is why, through you, I am asking the hon. Minister of Power whether under such international scenario and national scenario, it would be possible to come successful by reforming power sector. They have just hiked the tariff. What are the recommendations of experts regarding hiking of the tariff? I can quote something, but time is very limited.**

In Uttar Pradesh, the World Bank appointed some Consultant, namely, M/s. PUTNAM. They have submitted the recommendations for the hike, but they have not been accepted. But, what is the trend? The trend is very very dangerous for the people, and for the consumers. How much is the hike? In the agricultural field, the hike is to the tune of 612.8 per cent. Even the public works have not been spared. The hike in the public works is to the tune of 254.7 per cent. On the other hand, the percentage of increase in food industries is not more. It is just 16.5 per cent or so. What is the uniform tariff? The large industries will consume electricity at the same tariff that is to be borne by the cultivators and the agriculturists. That is why I think that this Bill should be reviewed. As the Deputy Leader of the Opposition has rightly said, without forming a National Power Policy, this Bill will not work. On the basis of the National Power Policy if this Bill would have been presented over here, then to say that they will progress by 2012 by saying "Electricity to all people" would have been better. Had this been so, then this Bill would have been welcomed. But, in this way, it would not be possible. That is why I will request the hon. Minister to review it in this

way. Unbundling and dismantling of the State electricity system should not be there. Although this is a concurrent subject, yet this should be stopped.

***SHRI ADHI SANKAR (CUDDALORE): Hon. Chairman Sir, I thank you for giving me an opportunity to participate in the discussion on Electricity Bill 2001. While moving the Bill in this august House for consideration, hon. Minister Shri Anand Geethe in his introductory remarks stated that there are over 4 lakh remote villages yet to have electricity connection. There are about 80 thousand villages that are yet to have access to electricity. As far as domestic purpose electricity supply is concerned, there are about 50 percent of households that go without electricity connection still. He said that the aim of this Bill is to attend to their needs. The Minister in his introductory speech further stressed on the need to stem power theft and the necessity to augment further the power generation. Among the consumers, certain section must continue to have subsidies and steps must be taken to provide subsidies to the needy in the new regime. The reform process that is sought to be taken up now must benefit the consumers. Employment generation in the power sector must not be lost sight of. Uninterrupted power supply must be ensured. The consumers must get power supply in a quality measure at competitive rates. Hon. Minister while commencing this debate spelt out the need to cater to the needs of the consumers in an effective way.**

**A country's economic growth or its industrial growth can be gauged from the performance and utilization of power sector. As far as our country is concerned, Electricity Boards of many of the States are in the red. Many of the State Governments seeking umbrage under the plea that they have paucity of funds, hand over the responsibility of setting up power generation units to the private sector. Thereafter the State Electricity Boards are forced to buy power from such private sector operators at an exorbitant rate. Apart from power generation even the power distribution has been handed over to private sector in States like Delhi and Orissa. Shri Govindasamy and Shri Rathnasabapathy the**

**President and General Secretary of Tamil Nadu Electricity Board Workers' Progressive Union have written to the Centre through our leader Dr Kalaignar Karunanidhi that care must be taken while going ahead with this Electricity Bill. I urge upon the Minister to look into these valid suggestions to protect the interests of all the Electricity Boards and its employees.**

**I would like to draw your attention to the fall out that will be there after the enactment of this Electricity Act. All the Electricity Boards must hand over within an year all their assets to the respective State Governments. Thereafter it will be vested with the State Governments to restructure the State Electricity Boards and streamline their functioning.**

**The functioning of the State Electricity Boards could be streamlined by way of segregating power generation, transmission and distribution. Right now this has been done in some of the States in their Electricity Boards. The private sectors that are entrusted with power generation and distribution can sell electricity to anyone at any price they may determine. There can not be any Governmental control on this. As of now some private sector units generate power in Tamil Nadu but they can sell it only to the Tamil Nadu Electricity Board as they do not have transmission lines of their own. The private players in the communication industry can have exclusive cable connections of their own as their's is a limited service. But electricity is different. The law provides for setting up separate transmission lines if the private players in the power sector so desire. If such separate networks are created it could pave way for unfair competition, unwanted rivalry, undesirable stand-offs, confounded confusion, and enormous transmission loss and power theft.**

**Both the private sector and public sector shall have different yardsticks to determine power tariff. This will perpetuate the vertical divide of the haves and have-nots in the society. Power generation and distribution is an essential service. Outsiders and even foreigners may step into this sector with profit motives. The gigantic monolithic power sector currently or till recently in the hands of the Government will slip into the hands of the private sector. In the long run, this will affect the interests of the consumers especially the poor and the middle class. This will come in the way of taking power to the remote villages where our underprivileged bretheren live. One day electricity may become a luxury item and may be beyond the reach of the poor and underprivileged sections of the society. As such, the privatization in the name of globalisation has cut in to the reservation system. Cut in jobs and denial of reservation in jobs will affect the deprived sections of the society more. Erosion of reservation in jobs will lead to the conglomerates running electricity business as their own. Only their own men can find place there. This will lead to further privatization of already commissioned and functioning Hydel and Thermal power projects. Operations with loss may be staged managed with a design if only to sell away public sector units to the private sector. About 9 lakh of employees with the Electricity Boards including the Engineers would lose jobs and job security would go. I appeal to the Union Ministry of Power to look into these aspects and plug the loopholes in the system that is sought to be restructured.**

**In Tamil Nadu, the power supply for agricultural pump sets was free during the rule of our leader Dr Kalaignar Karunanidhi. In order to benefit about 16 lakh agriculturists in Tamil Nadu, an order was issued on 17.11.1990 to provide free electricity for agricultural purposes with retrospective effect from 1.9.90. Sugarcane growers of Tamil Nadu were provided with free electricity to crush the sugarcane they have cultivated. During our leader's rule in Tamil Nadu, the functioning of the thermal power units were commendable and also won awards during the year 1998-99 and 1999-2000. During Dr Karunanidhi's rule, it was decided to establish 60 sub-stations every year. Hence 233 sub-stations at a cost of Rs 1720 crores with a capacity of 3245 MVA were set up by our Government.**

**In Tamil Nadu, when our DMK Government led by Dr Karunanidhi was in power, the power tariff for domestic consumption was 134 paise per unit as on 7.1.2000. At the same time it was 350 paise per unit in Andhra Pradesh as on**

**4.6.2000. In Karnataka it was 183 paise per unit as on 16.7.1998 and 215 paise per unit in Maharashtra as on 1.5.2000. Power tariff for HPT for industrial purposes was 460 paise per unit in Tamil Nadu, 518 paise in Andhra Pradesh, 527 paise in Karnataka, 444 paise in Maharashtra during the same time. LPT power tariff for commercial purposes remained to be 383 paise in Tamil Nadu, 502 paise in Andhra, 460 paise in Karnataka, 440 paise per unit in Maharashtra during the same time.**

**What is happening in Tamil Nadu is to the contrary. The erstwhile achievements are being blacked out. Hon. Member Shri Selva Ganapathy in his intervention stated that free supply of electricity for agricultural purposes is continuing in Tamil Nadu. Free supply is different and grant of subsidy is different. â€¦*(Interruptions)*â€¦**

**We indeed feel happy to be the mouthpiece of the peasants. At the same time we find you to be the trumpets, puppets and tools in the hands of big capitalists and those who trade in power and expressing my pain at that let me conclude my speech.**

***Translation of the speech originally delivered in Tamil.**

**MR. CHAIRMAN : Shri Adhi Shankar, please take your seat.**

**SHRI T.M. SELVAGANPATHI : Sir, a point of clarification.**

**MR. CHAIRMAN: Please take your seats.**

**SHRI T.M. SELVAGANPATHI : Sir, the hon. Member referred to my name. I may be permitted to clarify.**

**MR. CHAIRMAN: Objectionable remarks, if any, will be expunged.**

**DR. V. SAROJA (RASIPURAM): Hon. Chairman, Sir, I thank you very much for giving me an opportunity − to a lady Member -- to place my views on this Bill. It is a very important Bill.**

**I rise here to support this Bill with seeking a few clarifications from the hon. Minister. The Electricity Bill, 2001 is, no doubt, a bold and comprehensive initiative. On the whole, the Electricity Bill proposes to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity. It talks about taking measures conducive to development of electricity industry, rationalisation of electricity tariff, constitution of a Central Electricity Authority and Regulatory Commissions etc.**

**Sir, due to paucity of time, I would pose certain questions and clarifications instead of making a full-fledged speech.**

**Sir, there is a book "Milestones of Success" published by the Ministry of Information & Broadcasting, Government of India. I would appeal to the hon. Minister and also the hon. Prime Minister of India to have a critical analysis of the schemes mentioned there. There is a heading "Power" at page 46 of this book. Its first paragraph says:**

"Bureau of Energy Efficiency set up in March, 2002 following Energy Conservation Act coming into force."

There are so many paragraphs, and all are required to be analysed critically.

The Bill is now under discussion. The capacity addition of 4,110 MW has been finalised for the 10$^{th}$ Five Year Plan. I would like to ask the hon. Minister whether they are going to achieve the goal of the 10$^{th}$ Five Year Plan with this Bill? Of course, I congratulate the former Power Minister and now this hon. Minister for bringing forth this piece of legislation. But is it practically possible to implement all these things mentioned here?

But the most important and critical evaluation that is required to be done is in regard to the non-conventional energy. As the hon. Member, Shri Shivraj V. Patil rightly pointed out that we have almost exhausted the natural resources − the coal and oil. All of us know that for import of oil, as on date, we are paying Rs. 85,000 crore. There are financial constraints. So, especially taking into consideration the post Iraz war, are we in a position to contain everything, neglecting this non-conventional energy? Sir, I have my own doubts that we are not going to achieve any of the points that have been mentioned in this Bill. Where are we lacking?

Power is a critical infrastructure for economic development and for improving the quality of life. The installed power capacity has been increased from 1,362 MW to over 1 lakh MW since Independence. But what is the *per capita* utilisation of power in India today? The *per capita* consumption of electricity is 330 kilowatt which is the lowest in the world. With the painful heart I stand here to report − please underline this -- that India has the lowest *per capita* utilisation of electricity. Whereas the *per capita* consumption of power in Brazil is 1,783 kilowatt. In China, it is 719 kilowatt; in UK, it is 5,843 kilowatt; in Australia, it is 6,606 kilowatt; in US, it is 8,747 kilowatt. But where are we now?

Sir, we have about 80,000 villages which are yet to be electrified. What are the shortcomings? The shortcomings are: inadequate power generation capacity; lack of optimum utilisation of the existing generation capacity; lack of grid discipline. Lack of grid discipline is a very important point. We have to take steps. Then, there are inadequate inter-regional transmission links; inadequate and ageing transmission and distribution network.

So, they have to modernise the network.

The large scale theft and slow pacing of reforms is very important.

During the Ninth Five Year Plan, it was revealed that the State Governments had achieved 87 per cent, the central sector had achieved only 30 per cent, and the private sector had achieved 30 per cent. In the hydel and thermal, it was 46 per cent, whereas in the nuclear power, it is 100 per cent.

I want to know whether we are utilising this 100 per cent nuclear power. If not, how the Ministry is going to utilise this nuclear power?

The country is using only one-fourth of the hydel power. India is using only 17 per cent of the hydel potential, whereas in Norway, it is 58 per cent, in Canada, it is 41 per cent, and in Brazil, it is 31 per cent.

Am I not correct that the hydel generation of energy is cost-effective? Transmission loss and other losses are comparatively less in other areas.

The central source of financial crisis for the State Electricity Boards' losses, is due to the transmission and distribution. In 1977, it was about 25 per cent. During 1999-2000, it was 31 per cent. Sir, are we not carefully examining and finding out the loopholes?

During 1991, the gross subsidy was Rs. 7,494 crore, whereas now it is Rs. 32,429 crore.

The hon. Minister said that we have to be more careful in tapping the hydel power, and also in doing. We are not paying more attention to hydel power.

As far as the non-conventional energy is concerned, due to want to time, and also as the Bill has not been specifically authorised to non-conventional energy, I would request the hon. Minister to have a full-fledged discussion on the non-conventional energy, by inviting the Chief Ministers and the Energy Ministers of all the States. The Government of India should take into confidence all the State Chief Ministers in order to see that electricity which is the sheet-anchor of the development of the country, could achieve its goal.

**श्री राजो सिंह (बेगुसराय) :** सभापति महोदय, मंत्री जी द्वारा जो विधेयक पेश किया गया है, मैंने उसमें कई संशोधन दिए थे। हमारे यहां विधान सभा में जो पुरानी परिपाटी थी, उसके अनुकूल मैं समझता था कि मुझे भी बोलने का अवसर मिलेगा। लेकिन वह अवसर आखिर में मिला है। गीते साहब ने यह विधेयक दूसरी बार पेश किया है। पहली बार सुरेश प्रभु जी ने इसको प्रस्तुत किया था और दूसरी बार इन्होंने कल प्रस्तुत किया है। इसमें दो-तीन बिंदु ऐसे हैं, जिस पर मेरी कुछ आशंकाएं हैं, जिनको मंत्री जी स्पट करेंगे। आपका सम्पूर्ण विधेयक 180 खंडों में विभाजित है। इसमें आपने लिखा है कि भारतीय बिजली अधिनियम, 1910, भारतीय विद्युत प्रदाय कानून, 1948 और विद्युत विनियामक आयोग विधेयक, 1998 के निरसन तथा इन खंडों के विर्निट वियों की व्याप्तियों के लिए है।

मेरा कहने का मतलब यह है कि जो तीन पुराने एक्ट बने हुए हैं, वह विधेयक में हैं। हम विधेयक पर विचार कर रहे हैं। कुछ समय के बाद इसको सदन एक्ट के रूप में स्वीकार कर लेगा। जो स्वीकृत है, उसको इस विधेयक के तहत समाप्त करने की इसमें परिभाा परिलक्षित की गयी है। मैं जानना चाहूंगा कि जब हम इसको समाप्त कर देंगे और जब यह समाप्त हो जाएगा, इस बीच में आपकी नियमावली नहीं बनेगी। आपने जिसका जिक्र अपने एक्ट में किया है कि नियमावली बनेगी, िवस्तृत रूपरेखा बनेगी, उसको तैयार करेंगे, वह कैसे होगा? हमारी इस शंका को आप दूर करें।

हमारी दूसरी शंका यह है कि आपने जो वित्तीय ज्ञापन दिया है इसमें तीसरा पैरा पढ़कर आप देख लीजिए। " अपील अधिकरण के अध्यक्ष, सदस्यों, अधिकारियों तथा कर्मचारियों के वेतन और भत्तों पर आने वाला प्राकृत आवर्ती वार्कि व्यय 3.95 लाख रूपये प्रति वर्ा है। अपील अधिकरण के अवास-अस्थापन जिसमें फर्नीचर, कार्यालय उपस्कर आदि और प्रकल्पित अनावर्ती व्यय 29 लाख रुपये प्रति वर्ा है। विधेयक में कोई अन्य आवर्ती या अनावर्ती व्यय अतिवर्णनित नहीं है " । आपने ऐसा क्यों लिखा है, यह निश्चित नहीं है। यह जो आपने वित्तीय ज्ञापन दिया है और जो आंकड़े आपने प्रस्तुत किये हैं वे निश्चित नहीं हैं। जिस समय आपने आंकड़ा दिया था वही आंकड़ा अब भी आपका है। जब नियमावली नहीं बनेगी, जब तक नियम की स्वीकृति नहीं होगी, तब तक किस नियम, किस संविधान के तहत आप व्यय कर सकेंगे। हमारी इस आपत्ति का भी आप निराकरण करें।

माननीय सुरेश प्रभु जी ने जब विधेयक पेश किया था तब उन्होंने प्रस्ताव पेश किया था कि यह सिलैक्ट कमेटी में चला जाना चाहिए और सिलैक्ट कमेटी में गया भी था। लेकिन मैं जानना चाहता हूं कि इसको आपने क्यों नहीं माना?

मैं आपके आदेश से पृठ 373 का पैरा 13.17 पढ़ना चाहता हूं। " समिति पाती है कि खंड 76(5)(ख) के अनुसार केन्द्रीय विद्युत प्राधिकरण का अध्यक्ष केन्द्रीय विद्युत नियामक आयोग सीईआरसी का पदेन अधिकारी सदस्य होगा।" । यह आपका प्रोविजन पहले से था। इसको संशोधित करके सिफारिश की कि समिति चाहती है कि चूंकि सीईएओ को आयोजन का दायित्व सौंपा गया है। अतः सीईएओ के अध्यक्ष को स्थाई समिति के तौर पर शामिल किया जाना अपेक्षित नहीं है। तथापि समिति यह महसूस करती है कि सीईआईसी तकनीकी मामलों में सीई के अध्यक्ष की सहायता लेनी चाहिए। आपने उसे स्वीकार क्यों नहीं किया? आपके विभाग के रिमार्क में लिखा है कि नॉट-एक्सैप्टिड। इसमें लिखना चाहिए था कि इसको स्वीकार क्यों नहीं कर रहे हैं। इसमें तो कोई अधिभार नहीं है, कोई वित्तीय मैटर इन्वौल्व नहीं है, कोई प्रशासनिक मामला भी इंवौल्व नहीं है, फिर आपने इसको स्वीकार क्यों नहीं किया? स्वीकार नहीं किया तो उसका कारण बताना चाहिए था। पार्लियामेंट में

आपने एक्सप्रेशन नोट भेजा। इसको आप देख लीजिए, यह मैं कहना चाहता हूं।

फिर पृठ 74 में पैरा 13.18 में लिखा है कि " समिति पाती है कि किसी भी रिक्ति की अवस्था में, मृत्यु, त्यागपत्र, पद से विमुक्त किये जाने के कारण या सेवा-निवृत्ति के पूर्व 6 महीने के भीतर या किसी सदस्य का कार्यकाल समाप्त होने की स्थिति में केन्द्र सरकार को 78(5) के अनुसार एक महीने के भीतर रिक्ति को भरने के लिए चयन समिति के समक्ष प्रस्तुत करना आवश्यक है" । यह आपका प्रॉविजन है।

लेकिन समिति की बात को आपने नहीं माना। समिति ने कहा - समिति अनुभव करती है कि खण्ड 78 और 85 के अधीन चयन समिति की कोई उपयोगी भूमिका नहीं है और इस मामले में देरी हो सकती है। इसलिए महसूस करती है कि सदस्यओं का चयन केवल लोकसेवा आयोग से किया जा सकता है। अतः इन दोनों खण्डों को इस अनुरूप में संशोधित करने की सिफारिश करती है। महोदय, विाय बहुत लम्बा है और कई ऐसे बिन्दू हैं, जिनको स्वीकार करना चाहिए, लेकिन इन्होंने स्वीकार नहीं किए। मैं खास तौर से दो बिन्दुओं के बारे में जानना चाहता हूं कि इनको क्या कठिनाई है। यह कागज बहुत अच्छा है, लेकिन इसका कार्यान्वयन कौन करेगा। क्या इसका कार्यान्वयन आप करेंगे? आप नहीं करेंगे। क्या इसका कार्यान्वयन राज्य मंत्री करेंगी? वे भी नहीं करेंगी। क्या इसका कार्यान्वयन प्रधान मंत्री जी करेंगे? वे भी नहीं करेंगे। आपको लिखकर दे दिया गया और आपने कर दिया। हमने आपसे पूछा था कि इतने संशोधन क्यों दिए हैं? आपने कहा कि स्टेंडिंग कमेटी के चेयरमैन श्री संतोा मोहन देव जी हैं और उनको भारत सरकार में मंत्री रहने तथा प्रशासन चलाने का अनुभव हैं और इतने अनुभवी व्यक्ति ने सिफारिश की है। उस समिति में सभी दलों के लोग हैं। हमारे उपनेता सदन में बैठे हुए हैं, वे कभी इस आसन पर विराजमान थे। उनकी यह परिकल्पना थी कि स्टेंडिंग कमेटी होगी और उनमें सभी दलों के लोग रहेंगे और विचार-विमर्श होगा। जो सिफारिश होगी, वह उचित होगी।

महोदय, मैं विाय से अलग नहीं जा रहा हूं। माननीय सदस्य, श्री सुबोध मोहिते जी सदन में उपस्थिति हैं, उन्होने कहा कि यह बहुत प्रोग्रेसिव बिल है। हम भी यह मानते हैं। लेकिन आपही के दल के श्री सुरेश प्रभु जी भी हैं। सिलैक कमेटी में आपके दल के लोग भी होंगे। सिलैक्ट कमेटी ने जो कहा, उसको स्वीकार क्यों नहीं किया गया। इनके विभाग ने कहा - स्वीकार नहीं। ऐसा कहा, लेकिन कोई एक्सप्लेनेशन नहीं दिया। जनप्रतिनिधि के नाते आपका दायित्व बनता है कि आप इसको इन्क्ल्यूड करते। इन दोनों सिफारिशों को आपने सम्मिलित नहीं किया। आफिसरों के शिकंजे में कसे हुए हैं। समिति ने कहा कि इसको चैक करो, तो उन्होंने नहीं माना और आपको मजबूरन दस्तखत करके संसद में सर्क्युलेट करना पड़ा।

मैं बिहार के बारे में कहना चाहता हूं। ग्रामीण योजनाओं के बारे में जो पैसा दिया है, वह खर्च नहीं हुआ। इस पर राज्य मंत्रीजी ने जवाब दिया था। खर्च नहीं हुआ, तो क्या इससे आपकी जवाबदेही समाप्त हो गई। आप कहते हैं कि 80 हजार गांवों में बिजली पहुंचानी है, तो क्या आप पैदल चलकर बिजली पहुंचायेंगे। कानून पास हो जाएगा, लेकिन हमारे यहां पनबिजली के दो प्रपोजल है, उनके लिए पैसा नहीं दे रहे हैं। कैमूर और कटबंद - ये दोनों पनबिजली योजनायें लम्बित हैं और आप पैसा नहीं दे रहे हैं। अगर यह व्यवस्था हो जाए, तो बिजली सुलभ हो जाए। मैं पूछना चाहता हूं कि कहलगांव, मुंगेर, लखीसराय, शेखपुरा, नालन्दा लाइन कितने दिनों से लम्बित पड़ी हुई है। इस काम को आपको करना चाहिए। पावर ट्रांसफोर्मर जो पावर स्टेशन में लगाते हैं, वह आपकी फैक्ट्री में नहीं बनता है। इसका रिक्विजीशन दिया है और मंत्रालय के सैक्रेटरी को चिट्ठी लिखी कि यह हमको चाहिए, लेकिन काम नहीं हुआ।

मैं समझता हूं कि इस कानून से कुछ नहीं होने वाला है और न ही पब्लिक को कोई लाभ पहुंचने वाला है। पहले कहा जाता था कि भगवान की दी हुई तीन चीजें होती हैं - जलवायु, पानी और वायु। इन पर किसी का अधिकार नहीं होना चाहिए लेकिन आज बिजली के बिना कुछ नहीं हो सकता है। आप बिहार में जाइए। आपको वहां अंधेरा ही अंधेरा दिखायी देगा। मोमबत्ती की रोशनी से पढ़ा नहीं जाएगा। इस कारण चश्मा भी नहीं लगेगा। हम वहां जाएंगे तो बैठे रहेंगे। आज बिजली बहुत आ वश्यक है और वह जीवन-मरण के लिए है। इस कारण आपके नेता ने बिजली विभाग लिया। चाहे आप इस विभाग में रहें या सुरेश प्रभु रहें लेकिन ठाकरे साहब ने बहुत सोच-समझ कर भारत सरकार से बिजली विभाग अपने हित में लिया जिससे छोटे से छोटा ग्रामीण और बड़े से बड़ा व्यापारी भी उनके चरणों को स्पर्श करे।

मोहिते साहब ने कहा कि महाराट्र में बिजली की कमी हो गई है। वहां बिजली की कमी कैसे हो गई? वहां बिजली की कमी नहीं होनी चाहिए क्योंकि शुरु से बिजली ि वभाग आपके पास है। बिहार और उत्तर प्रदेश में बिजली की समस्या है। â€¦ (व्यवधान) सरकार किसी की नहीं होती है। वह पब्लिक की होती है। आप इस कानून को पास करते समय आवश्यक संशोधन करते हुए जन हित में काम करें।

SHRI LAKSHMAN SETH (TAMLUK): Mr. Chairman, Sir, it goes without saying that electricity is the life of civilisation. But the civilisation can sustain if the people at large are benefited by the economic growth. So, we cannot overlook this important aspect.

In this Bill the responsibility of rural electrification has been given to the Panchayats, local bodies, and cooperatives. It is a very funny matter because Panchayats, local bodies, and cooperatives do not have the required technology, machinery, mechanism, etc. But the creamy and commercial areas have been given to the private players. So, this is a very important issue. In this Bill, clause 6 says:

> "The Appropriate Government shall endeavour to supply electricity to all areas including villages and hamlets."

I would request the hon. Minister to delete the word `endeavour'. Rather, I would like to add:

> "The Appropriate Government shall supply electricity to all areas including villages and hamlets."

It is the duty of the welfare State and the Government to supply electricity to all the people including the interior areas. The word `endeavour' does not mean that everybody will get power. The Government will endeavour but the Government will not succeed in supplying power to interior areas. That is why, I would request the hon. Minister to delete the word `endeavour'.

Clause 7 of the Bill says:

> "Any generating company may establish, operate and maintain a generating station without obtaining a

licence under this Act if it complies with the technical standards relating to connectivity with the grid referred to in clause (b) of section 73."

I would like to add a few more words, namely, `generating company will also discharge the responsibility of rural electrification'. These words should be added in this clause. The private players are being allowed to generate power without the responsibility of supplying electricity in the rural areas. Around 75 per cent people of our country live in the rural areas. They do not have power and they are not getting so many other benefits. The Government is planning to phase out the withdrawal of subsidy. Our country is divided into haves and have nots. Sir, until the haves and have nots system is withdrawn, I think, subsidy cannot be withdrawn also.

It is because ours is a Welfare State and thus it should give subsidy in order that the have-nots of the society could uplift their conditions. That is why, withdrawal of subsidy would be improper.

Sir, I would like to quote what is mentioned in clause 10 of the Bill in regard to the duties of generating companies. It says:

"Subject to the provisions of this Act, the duties of a generating company shall be to establish, operate and maintain generating stations, tie-lines, sub-stations and dedicated transmission lines connected therewith in accordance with the provisions of this Act or the rules or regulations made thereunder."

The words `for rural electrification' should be added to this clause.

The generating companies who are willing to set up any generating station does not require any licence. But for transmission and distribution, a private party will require permission from the Central Electricity Commission or from the State Electricity Commissions.

Sir, Government is run by the representatives of the people. The peoples' representatives are answerable and accountable to the people. The Commission is not directly accountable to the people. So, what would happen is that these State Electricity Commissions or the Central Electricity Commission, as the case may be, would aggressively accord permission to the private players in matters of transmission, distribution and trading without imposing any conditionalities. What would happen in that case? There would be imbalance. That is why, `Government' is being replaced by a Commission and a Tariff Regulatory Authority. What would happen in the long run is that the Government would have to go to the courts for getting relief. That is why, all the aspects, like how the Government proposes to provide electricity to the rural areas, how the poor people, including those belonging to the Scheduled Castes, the Scheduled Tribes and those belonging to the Other Backward Classes, would get relief from the Government, should be spelt out in the Bill itself. These things should not be left to be decided by the Commissions or the Regulatory Authority, who does not have any accountability to the people at large. These things should be taken into consideration.

Sir, it has been mentioned in the Bill that at a later stage a National Policy on Electricity would be declared. This National Policy would spell out so many things with regard to rural electrification, tariff and such other things. Now, whenever that National Policy comes the representatives of the people would have the opportunity to give their opinions on it. The people at large would have the opportunity to give their views and also the experts and professionals would find an opportunity to express their opinions on that. After the National Policy has been declared, the Bill could be introduced in keeping with the National Policy. What would happen now is that this Bill would be passed, the law would be enacted and only after that the National Policy would be introduced. That would be an improper thing to be done. That is why I do not accept this Bill. There are so many shortcomings and lacunae in this Bill. This Bill is meant for privatisation of the power sector. After the passage of the Bill the private players will have an opportunity to make profits and the people of this country will have to bear the burden of the profits to be earned by the private players. So, I would like to request the hon. Minister to first come out with the National Policy on Electricity and then in keeping with that policy an exhaustive Bill could be introduced in the House. That is my humble submission.

**श्री रामदास आठवले (पंढरपुर)** : सभापति जी, इलैक्ट्रिसिटी बिल, 2001 विद्युत के उत्पादन, पारेाण, वितरण, व्यापार और उसके कई उपयोग के लिए लाया गया है। इंडियन इलैक्ट्रिसिटी एक्ट, 1910, इलैक्ट्रिसिटी सप्लाई एक्ट, 1948 और इलैक्ट्रिसिटी रेगुलेटरी कमीशन एक्ट, 1998 में सुधार करके यह बिल लाया गया है। श्री अनंत गीते जी इसके मंत्री हैं। श्रीमती जयवंतीबेन मेहता भी हमारे महाराट्र से हैं। पावर में कितनी शक्ति होती है, यदि पावर नहीं होगी तो इंडस्ट्रीज नहीं चलेगी, ऑफिसेज नहीं चलेंगे और कुछ भी नहीं होगा। आज हर काम में बिजली की आवश्यकता है। यह अटल जी भी जानते हैं कि जब पावर नहीं थी तो उनकी स्थिति क्या थी। मगर जब उन्हें पांच साल से पावर मिल गई हैं तो पावर में कितनी शक्ति होती हैं, यह वह जानते हैं। मेरा कहने का मतलब यह है कि पावर इसी तरह की होती है। हमारे दोनों बिजली मंत्रियों में श्री अनन्त गीते जी के पीछे बालासाहेब ठाकरे जी की पावर है और मेहता मैडम के पीछे अटल जी की पावर है। इस बिल के माध्यम

से बिजली की व्यवस्था में सुधार लाने का प्रयास किया गया है। लेकिन इतने सालों में हम 80 हजार गांवों में बिजली नहीं दे पाये हैं। इसके साथ-साथ आपको एक लाख मेगावाट बिजली का यदि उत्पादन करना है तो उसके लिए चार लाख करोड़ रुपये की आवश्यकता होगी, उसके बारे में भी आपको सोचने की आवश्यकता है। एनरॉन कम्पनी का हमें अनुभव है। जब इस कंपनी को महाराट्र सरकार ने बिजली उत्पादन का काम दिया था तो बिजली का रेट प्रति यूनिट दो रुपये पच्चीस पैसे तय हुआ था। एनरॉन कम्पनी अमरीका से मुम्बई आई है और उन्होंने वहां काफी पैसा भी खर्च किया है। अभी मुम्बई हाई कोर्ट का जजमैन्ट इसे चालू या न चालू करने के बारे में आया है। जो बिजली का उत्पादन होगा, उसके बारे में आम आदमी को भी जानकारी होनी चाहिए तथा बिजली के रेट कम से कम होने चाहिए। अगर आप चार, पांच या दस रुपये रेट रखेंगे तो उससे बहुत बड़ी समस्या पैदा हो जायेगी। यह अच्छा बिल है, बिल सभी अच्छे होते हैं, लेकिन उनका इम्पलीमैन्टेशन अच्छा नहीं होता है।

सभापति महोदय, देश में बिजली की बहुत बड़ी चोरी होती है। आपने चोरी करने वालों के लिए पांच हजार से दस हजार रुपये के फाइन तथा तीन महीने की सजा की व्यवस्था इसमें की है। मैं समझता हूं कि इसे बढ़ाने की आवश्यकता है। चोरी करने वालों पर बीस हजार रुपये से लेकर दो लाख रुपये तक फाइन होना चाहिए और एक से डेढ़ साल की सजा होनी चाहिए। यदि आप इसमें इसकी व्यवस्था कर दें तो उचित होगा।

महोदय, महाराट्र में देश का सबसे ज्यादा रेवेन्यू 9,200 करोड़ रुपये होता है। लेकिन महाराट्र में सबसे ज्यादा रेवेन्यू होने के बावजूद भी हमें दो हजार मेगावाट बिजली की आवश्यकता है। महाराट्र में अभी आगाड़ी की सरकार है, यह सही बात है। लेकिन साढ़े चार साल पहले आपकी सरकार थी, तब हमने आपकी सरकार को बोला था कि दो हजार मेगावाट बिजली का उत्पादन करने की आवश्यकता है, आप यह करिये। लेकिन आपने नहीं किया और इसलिए आपकी सरकार चली गई। महाराट्र के दो मंत्री यहां है। इसलिए दो हजार मेगावाट बिजली के लिए जितना पैसा लगेगा, उतना पैसा महाराट्र को देने की आप व्यवस्था कीजिए। महाराट्र सरकार बहुत सारे ्रोजैक्ट्स करने के लिए तैयार है। यह काम भी आपको करना है। मैं अपनी पार्टी की ओर से इस बिल का समर्थन करता हूं। हम आपका समर्थन करेंगे, लेकिन आपकी पार्टी का समर्थन करने का सवाल नहीं है। यह एक अच्छा बिल है, लेकिन हम इसका इम्पलीमैन्टेशन अच्छी तरह से कैसे कर सकते हैंâ€¦ (व्यवधान)

**श्री प्रकाश यशवंत अम्बेडकर (अकोला) :** आपके जो मन में है, वह मुंह में आ गया।

**श्री रामदास आठवले** : जो मेरे मन में है, वह मेरे मन में ही है, लेकिन जो हमारे मुंह में हैं, वह आपके मन में होने की संभावना है। यहां पोलिटिक्स की कोई बात नहीं है। यह एक अच्छा बिल है, यह देश के विकास का बिल है। पावर रहेगी तो हम आगे बढ़ सकेंगे। इसलिए हम इस बिल का समर्थन करते हैं।

"अगर हमें बिजली नहीं मिलेगी तो सारे देश में अंधेरा फैल जाएगा,

अंधेरे के कारण अटल बिहारी वाजपेयी का राज चला जाएगा,

और हमारा राज आने से उजाला हो जाएगा। "

इसीलिए उजाले का निर्माण करने के लिए आप भी कदम उठाएंगे, इतना कहते हुए मैं अपनी बात समाप्त करता हूँ।

**विद्युत मंत्री (श्री अनन्त गंगाराम गीते)** : सभापति जी, सदन के 23 सदस्यों ने इलैक्ट्रिसिटी बिल की बहस में भाग लिया और एक दल के सिवाय सभी दलों ने इस विधेयक का समर्थन किया है।

श्री रामदास आठवले : वह कौन सा दल है?

श्री अनन्त गंगाराम गीते : उनकी भी कुछ रिज़र्वेशन्स हैं। उनका विरोध उतना कड़ा नहीं है।

सभापति जी, माननीय सदस्यों ने कई सुझाव यहां पर दिये हैं जो बड़े महत्वपूर्ण सुझाव हैं। मैं उन सारे सुझावों के लिए माननीय सदस्यों को धन्यवाद देता हूँ। सारे मुद्दे जो सदन के सामने रखे गए, हर मुद्दे का जवाब यदि देने जाऊं तो काफी समय लगेगा। इसलिए हर सदस्य के कुछ मुद्दे हैं जिनका जवाब सदन में देना मैं आवश्यक समझता हूँ और सदस्य भी चाहेंगे कि उन्होंने जो मुद्दे यहां पर उपस्थित किये हैं, उनमें कुछ महत्वपूर्ण मुद्दे हैं, वैसे तो सारे महत्वपूर्ण हैं, लेकिन कुछ मुद्दे ऐसे हैं जिनका जवाब देना आवश्यक है।

संतोा मोहन देव जी ने विपक्ष की ओर से इस पर चर्चा का आरंभ किया। वे स्वयं ऊर्जा संबंधी स्थायी समिति के अध्यक्ष हैं। जब पहली बार यह विधेयक सदन में प्रस्तुत किया गया तो सदन ने उसको स्टैन्डिंग कमेटी के पास भेज दिया था। ऊर्जा से संबंधित राट्रीय और राज्य स्तर पर और अलग अलग स्तर के जो ऊर्जा से संबंधित लोग हैं, संस्थाएं हैं, उपभोक्ता हैं, इन सबसे चर्चा करते हुए स्टैन्डिंग कमेटी ने अपनी रिपोर्ट सदन में रखी। स्टैन्डिंग कमेटी ने लगभग 112 सुझाव अपनी रिपोर्ट में दिये जिनमें से 89 सुझावों को हमने स्वीकार किया है। उसमें से 58 सुझाव ऐसे हैं जिनको हमने सीधे विधेयक में स्वीकार किया है और 31 सुझाव ऐसे हैं कि जब हम ऊर्जा नीति बना रहे हैं, नियम बनाने जा रहे हैं, उसमें उन सुझावों को निश्चित रूप से शामिल करने का प्रयास होगा, बल्कि उन सुझावों को हमने स्वीकार किया है।

जैसा सुबोध मोहिते जी ने कहा था कि शायद यह पहला विधेयक होगा जिसमें लगभग 80 प्रतिशत सुझावों को स्वीकार किया गया है। इस विधेयक पर बोलते हुए संतोा मोहन देव जी ने ग्रामीण विद्युत के बारे में जो चिन्ता जताई है, मैं उस चिन्ता से पूरी तरह से सहमत हूँ।

## 20.00 hrs.

सभापति महोदय, आज भी इस देश में 80 हजार गांव ऐसे हैं जिन गांवों तक हम बिजली नहीं पहुंचा पाए हैं। जब मैंने इस प्रस्ताव को सदन में प्रस्तुत किया था, तब इस बात को स्पट रूप से कहा था कि आज भी देश के 50 प्रतिशत लोग ऐसे हैं जिन्हें हम बिजली नहीं दे पाए हैं। बिजली पहुंचाने की और गांव के विद्युतीकृत होने की हमारी जो परिभाा है उसके अनुसार यह है कि यदि किसी गांव की सीमा पर एक बल्ब भी लगा दिया जाए, तो उस संपूर्ण गांव को विद्युतीकृत मान लिया जाता है। यह गलत है। ऐसा नहीं होना चाहिए। इसमें सुधार करने की आवश्यकता है। इस परिभाा को बदलने की आवश्यकता है। इसलिए हमने सारे राज्यों के मुख्य मंत्रियों को चिट्ठी लिखी है कि इस परिभाा को बदलने के बारे में उनके क्या सुझाव हैं। आज बिजली की देश में जो स्थिति है उसके अनुसार हम चाहते हैं कि किसी गांव में कम से कम 10 प्रतिशत घरों को बिजली उपलब्ध करा दी जाए, तो उस गांव को विद्युतीकृत होना माना जाना चाहिए।

महोदय, मैं संतोा मोहन देव जी से बिलकुल सहमत हूं और मानता हूं कि गांवों में विद्युतीकरण की स्थिति बहुत असंतोाजनक है। उन्होंने कई मुद्दे उठाए हैं, लेकिन उनमें एक मुद्दा राज्य विनियामक आयोग के बारे में उठाया था कि उनके ऊपर कुछ जवाबदेही होनी चाहिए और राज्य विनियामक आयोग किसी के प्रति आंसरेबल होना चाहिए। उन पर किसी न किसी का कंट्रोल होना चाहिए। इस विधेयक में उसका प्रावधान किया गया है। राज्यों के इन विनियामक आयोगों के ऊपर जो एपीलैट ट्रैब्यूनल का चेयरमैन होगा, वह नॉन पालिटिकल होगा और वह इसको देखेगा। â€¦ (व्यवधान)

SHRI PRAKASH YASHWANT AMBEDKAR : Mr. Chairman, Sir, neither the Assemblies nor the Parliament are going to have control over these bodies. So, we would like to know from the hon. Minister as to what is the methodology that the Government is going to follow so that the Parliament and Assemblies will have control over these bodies.

**श्री अनन्त गंगाराम गीते :** निश्चित रूप से मैं आपकी इस बात का भी आंसर देता हूं। ये जो विनियामक आयोग हैं, वे इंडिपैंडेंटली काम कर रहे हैं। इनके ऊपर राज्य सरकारों का कोई नियंत्रण नहीं है। इन्हें राज्य सरकारें गठित तो करती हैं, लेकिन इन्हें कोई दिशा-निर्देश नहीं दे सकतीं क्योंकि इन्हें कुछ जुडीशियल पॉवर्स दिए गए हैं। जैसे न्यायपालिका में भी राज्यों में उच्च न्यायालय हैं और उनके ऊपर केन्द्र में उच्चतम न्यायालय या सर्वोच्च न्यायालय है, जो उच्च न्यायालयों के ऊपर अंकुश रखता है, उसी प्रकार की व्यवस्था इसमें भी की जा रही है। आज जिन राज्यों में इस प्रकार के विनियामक आयोग बने हुए हैं और जिस प्रकार के अनुभव हमें प्राप्त हो रहे हैं उनको देखते हुए यह महसूस होता है कि जो विनियामक आयोग हैं, वे अपनी जिम्मेदारी निश्चितरूप से निभा रहे हैं। इनके ऊपर यदि किसी का कंट्रोल है, तो वह इस एपीलैट ट्रिब्यूनल का होगा, जिसके चेयरमैन, सुप्रीमकोर्ट के रिटायर्ड जज होंगे। इसलिए जो चिन्ता आपने व्यक्त की है, वह निर्मूल है। â€¦ (व्यवधान)

SHRI PRAKASH YASHWANT AMBEDKAR : Sir, the judges of the Supreme Court and the High Courts are responsible to this House by way of impeachment procedure. Our question is: what is the methodology that the Government is going to follow in this case? जिस तरह सर्वोच्च न्यायालय के मुख्य न्यायाधीश इस सदन के प्रति जवाहदेह हैं और विधानसभाओं के प्र ाति राज्यों के उच्च न्यायालयों के मुख्य न्यायाधीश जवाबदेह हैं, क्योंकि उनके विरुद्ध राज्यों की विधान सभाओं में अथवा लोक सभा में इम्पीचमेंट का केस लाया जा सकता है क्या उसी प्रकार की कोई व्यवस्था इन विनियामक आयोगों में आप कर रहे हैं ताकि वे राज्यों अथवा केन्द्र के प्रति आंसरेबल हों ?

**श्री अनन्त गंगाराम गीते :** मैं आपकी गलतफहमी दूर करता हूं। अनेक विवाद विनियामक आयोगों के पास हैं।

यदि विनियामक आयोगों से जो निर्णय किये जाते हैं, उनसे समाधान नहीं होता तो हम उच्च न्यायालय में जा रहे हैं। उच्च न्यायालय से निर्णय मिलने में काफी समय लग रहा है और यह क्षेत्र ऐसा है, जिसमें कम समय के अन्दर निर्णय होने की आवश्यकता है और इसीलिए आज उच्च न्यायालयों के अन्दर कई केसेज हैं, जो सालों से पड़े हैं और उन पर हमें जो तुरन्त न्याय मिलना चाहिए, फैसले मिलने चाहिए, वे नहीं मिल पा रहे हैं। इसके लिए इस व्यवस्था की आवश्यकता है। मैं इसलिए इस बात को यहां पर बार-बार दोहरा रहा हूं कि यदि आज की स्थिति में विनियामक आयोग के फैसले से कोई संतुट नहीं है तो उसके खिलाफ वह उच्च न्यायालय में जा सकता है। हमने अपीलेट ट्रिब्यूनल को जो यहां पर गठित करने का प्रावधान किया है, इस अपीलेट में यदि कोई निर्णय होता है और उस निर्णय के खिलाफ यदि किसी को जाना है तो वह उच्चतम न्यायालय में ही जा सकता है। ऐसा करके विनियामक आयोग की प्रतिठा को भी हमने रखने का प्रयास किया है और जो अपीलेट ट्रिब्यूनल है, जिसके ऊपर सुप्रीम कोर्ट के जज को चेयरमैन के तौर पर रखा है, उनकी प्रतिठा का भी निश्चित रूप से हमने सम्मान किया है।

SHRI AJOY CHAKRABORTY (BASIRHAT): The role of the Assembly has been minimised...(*Interruptions*)

**श्री अनन्त गंगाराम गीते :** आप अभी मुझे जवाब पूरा करने दीजिए।

वीरेन्द्र पाल सिंह जी ने एक बात कही, मैं उससे पूरी तरह सहमत हूं कि यह जो विधेयक आज सदन के सामने पारित होने के लिए प्रस्तुत किया गया है, इसे लाने में पूर्व ऊर्जा मंत्री, जो आज हमारे बीच नहीं हैं, इसमें कुमारमंगलम जी का महत्वपूर्ण योगदान रहा। मेरे पूर्व मंत्री यहां जो मेरे साथी सुरेश प्रभु जी थे, जिनके कार्यकाल में इस विधेयक को सदन के सामने प्रस्तुत किया गया, उनका योगदान भी महत्वपूर्ण है, हम इसे नजरअंदाज नहीं कर सकते। साथ ही साथ स्टेंडिंग कमेटी से लेकर सदन में आप सारे सदस्यों का भी योगदान इसमें महत्वपूर्ण है। उन्होंने एक सुझाव ओपन एक्सेस के बारे में दिया है। हमने ट्रांसमिशन सैक्टर में भी ओपन एक्सेस देने का प्रावधान किया है और डिस्ट्रीब्यूशन के सैक्टर में भी दिया है। यह इसलिए है कि ऊर्जा के क्षेत्र में, खासकर वितरण के क्षेत्र में प्रतिस्पर्धा होने की आवश्यकता है, कम्पीटीशन की आवश्यकता है। इसलिए उनका जो सुझाव है, जो हम ओपन एक्सेस देने जा रहे हैं, इनके ऊपर नियंत्रण विनियामक आयोग का रहेगा। इसमें सीधा हस्तक्षेप सरकार का नहीं रहेगा। उनकी जो चिन्ता थी, इसके लिए उसका स्पटीकरण यहां पर मैंने दिया है।

रूपचन्द पाल जी ने इसका विरोध तो किया है, लेकिन विरोध करते समय इस विधेयक में जो चोरी को रोकने के लिए सख्त कानून बनाने के प्रावधान किये हैं, जिसका जिक्र रूपचन्द पाल जी ने यहां पर किया। सबसे पहले चोरी को रोकने के लिए सबसे सख्त कानून अगर कहीं बना तो पश्चिम बंगाल में बना और उसे लागू भी किया गया है। उसे लागू करने के बाद उसका परिणाम भी तुरन्त दिखाई दिया। पश्चिम बंगाल में चोरी में गिरावट आई। केवल चोरी में गिरावट ही नहीं आई, उसकी जो वसूली है, वह वसूली भी बढ़ गई। जो प्रावधान हमने इस विधेयक में चोरी को रोकने के लिए किया है, उसका उन्होंने स्वागत किया है। पश्चिम बंगाल के साथ-साथ आन्ध्र प्रदेश, कर्नाटक, हरियाणा में और अब गुजरात में भी कानून बना है और इस प्रकार का कानून बनाने के लिए लगभग सभी राज्यों ने सहमति दी है। धीरे-धीरे सभी राज्यों में यह कानून बनेगा।

अखिलेश सिंह जी यहां उपस्थित नहीं हैं। उन्होंने राज्यों के विद्युत बोर्डों की बिगड़ती हुई स्थिति का जिक्र यहां पर किया। आज लगभग सभी राज्यों के विद्युत बोर्डों की स्थिति एक चिंता का विाय है। उसके अनेक कारण हैं। मैं यहां सारे कारणों में नहीं जाना चाहता लेकिन खासकर प्रेाण और वितरण का घाटा और वितरण के घाटे में मुख्यतया चोरी। राज्य विद्युत बोर्डों की स्थिति को सुधारने की आवश्यकता है। उसके लिए भारत सरकार की ओर से कार्यक्रम चलाये जा रहे हैं जिनमें एक आई.पी.डी.आर. कार्यक्रम चलाया जा रहा है जिसके दो भाग हैं। एक भाग में हम जो वितरण की स्थिति है, वितरण की जो व्यवस्था है, उसमें जो तकनीकी कमियां हैं, खामियां हैं या उसमें जो फॉल्ट आते हैं जैसे कहीं ट्रांसफार्मर जल जाता है आदि तकनीकी सुधार का एक भाग उसमें है। इसके लिए भारत सरकार की ओर से वित्तीय सहायता की जाती है। दूसरा भाग जिसमें राज्य विद्युत बोर्डों का घाटा है, उस घाटे को कम करने के लिए राज्य विद्युत बोर्डों को प्रोत्साहित किया जा रहा है कि आप जितना घाटा कम करेंगे, उसका 50 परसेंट इन्सेंटिव के रूप में दिया जायेगा। सदन को यह सुनकर प्रसन्नता होगी कि इस वर्ा इस इन्सेंटिव स्कीम में लगभग 1600 करोड़ रुपये के क्लेम हमारे पास आये हैं जिसमें से 800 करोड़ रुपये हमें इन्सेंटिव के रूप में देना है। 1600 करोड़ रुपये के क्लेम आये हैं तो उसका अर्थ यह बनता है कि राज्य विद्युत बोर्डों का जो पूर्व घाटा है, वह 1600 करोड़ रुपये से कम आया है। यह घाटा कम हो चुका है। इसके लिए हम प्रयत्न कर रहे हैं। भारत सरकार की ओर से प्रयास चल रहे हैं।

शिवराज वि. पाटिल जी ने यहां पर कई मुद्दे उठाये। उन्होंने एक महत्वपूर्ण मुद्दा आई.पी.पी. यानी इंडीपेंडेंट पावर प्रोड्यूसर के बारे में उठाया है। उन्होंने एनरॉन डाभोल पावर प्रोजैक्ट का संदर्भ यहां पर दिया था। मैंने अपने भााण में यह कबूल किया है कि जो प्राइवेट पावर प्रोड्यूसर हैं, जो इंडीपेंडेंट पावर प्रोड्यूसर हैं, उनसे हमने अपेक्षा की थी कि उनका पावर जनरेशन में काफी योगदान होगा लेकिन दुर्भाग्यवश हम जो परिणाम चाहते थे, वे परिणाम हमें दिखाई नहीं दिये। यह वास्तविकता है। उसके कई कारण हैं। मैं उन सारे कारणों में नहीं जाना चाहूंगा लेकिन जो इंडीपेंडेट पावर प्रोड्यूसर हैं, जो निजी निवेशक हैं जो ऊर्जा के निर्माण में निवेश करना चाहते हैं, जो भी निजी निवेशक इस क्षेत्र में निवेश करना चाहते हैं, वे सबसे पहले इस बात के बारे में सोचते हैं कि मैं जो निवेश कर रहा हूं, वह सुरक्षित हो। दूसरी बात वह यह सोचता है कि यदि मैं निवेश कर रहा हूं तो उस निवेश से मैं जो कारोबार करूंगा, ऊर्जा का निर्माण करूंगा,, उस ऊर्जा के निर्माण को मैं जब बेचने जाऊंगा तो उससे कुछ मुनाफा मुझे मिले। बिना मुनाफा के कोई व्यक्ति हो या संस्था, वह कोई कारोबार या व्यवसाय में नहीं आती। इस विधेयक में â€¦ (व्यवधान) मुनाफा कमाने का उन्हें ज्यादा अवसर नहीं है। इंडीपेंडेंट पावर प्रोड्यूसर जो बिजली बनाते हैं, उसकी जो उपभोक्ता दर है, वह दर तय करने का अधिकार राज्य विनियामक आयोग का है। राज्य विनियामक आयोग जो दर तय करते हैं, उसी दर पर बिजली बेचनी है। इससे मुनाफा कमाने का अवसर ज्यादा होने की संभावना पैदा नहीं होता है। लेकिन

निश्चित रूप से वह चाहते हैं इसलिए निवेशक को सुरक्षितता मिले, सस्ती दर में वह बिजली दे सके, उसके लिए उन्हें जो सहूलियतें चाहिए जो दुर्भाग्य से कल तक नहीं थीं, मैं समझता हूं कि इस विधेयक के माध्यम से जो इंडीपेंडेंट पावर प्रोड्यूसर हैं, उनको इस क्षेत्र में आने वाले भविय में कुछ अच्छे परिणाम दिखाई देंगे। निश्चित रूप से इस प्रकार के प्रावधान इस विधेयक में किये हैं।

शिवराज वि. पाटिल जी ने जो दूसरा महत्वपूर्ण मुद्दा उठाया था और कई सदस्यों ने इस बात को उठाया, मैं इससे बिल्कुल सहमत हूं कि जो हमारे ऊर्जा निर्माण के स्रोत हैं, जो जल विद्युत हमारे पास है, पारम्परिक ऊर्जा जो सबसे सस्ती है और दूसरी ताप विद्युत जो हमारे पास है, वह चाहे कोल बेस्ड हो या गैस बेस्ड हो या डीजल बेस्ड हो, आज जो ये स्रोत हैं, इनकी स्थिति बिगड़ती जा रही है। डीजल और गैस महंगा होता जा रहा है। कोयले के दाम बढ़ते जा रहे हैं। भविय में इन स्रोतों में कमी होने के कारण हैं। कमी हो सकती है। जो जल स्रोत हैं, उस पर भी हम प्रकृति पर निर्भर होते हैं। पिछले वर्ा सारे देश में अकाल हो गया। पानी की कमी हो गई। केवल खेती के लिए या पीने के लिए नहीं तो ऊर्जा के लिए पानी की कमी का ऊर्जा के निर्माण पर असर हुआ है और जो अपारम्परिक ऊर्जा स्रोत हैं, उन स्रोतों की तरफ भी अधिक ध्यान देने की आवश्यकता है। उससे ऊर्जा का निर्माण करने की आवश्यकता है। इस विधेयक में इस संदर्भ में निश्चित रूप में इस तरफ ध्यान दिया गया है।

एक और मुद्दे को आपने यहां उठाया था जो रिफार्म्स की परिभाषा को लेकर था। मैं आपसे बिल्कुल सहमत हूं बल्कि इस परिभाषा को हम इस प्रकार से मानते हैं कि हमारे देश की जो जनता है, सौ करोड़ जनता के हितों की सुरक्षा, इसके सिवा रिफार्म्स की और कोई परिभाषा नहीं हो सकती। वही परिभाषा हम भी मानते हैं और उसी को लेकर हम इस विधेयक को लेकर आए हैं। इस विधेयक में निजीकरण का कहीं भी जिक्र नहीं है। न कोई कम्पलशन है, कोई बंधन नहीं है। निर्णय राज्य सरकारों को करना है। यहां पर कोई बाइंडिंग नहीं है। इस विधेयक में किसी पर कोई बंधन नहीं किया है। आपको इसका निजीकरण करना ही है, इस प्रकार का कोई प्रावधान इसमें नहीं है। राज्य सरकारों को निर्णय करना है लेकिन निजीकरण के बिना जो हमने हमारे लक्ष्य तय किए हैं कि सन् 2007 तक हर गांव मं बिजली हम देना चाहते हैं और सन् 2012 तक हम हर घर में बिजली देना चाहते हैं और इस लक्ष्य को पूरा करने के लिएâ€¦ (व्यवधान) इस लक्ष्य को पूरा करने के लिए हमें एक लाख मेगा वॉट अतिरिक्त ऊर्जा का निर्माण करने की आवश्यकता है। सभापति महोदय श्री रघुवंश बाबू ने सदस्य के रूप में जो अपने विचार रखे थे तब उन्होंने ब्यौरा दिया था कि उपभोक्ता तक पहुंचने के लिए 8 लाख करोड़ की आवश्यकता है और जब इतने धन की आवश्यकता है तो केन्द्र सरकार, राज्य सरकार, निजी क्षेत्र, विदेशी निवेश, देशी निवेश हम सबका सहभाग इसमें होना चाहिए और जब हम सबको शामिल करेंगे तो ही हम इस लक्ष्य तक पहुंच पाएंगे और मुझे पूरी उम्मीद है कि निश्चित रूप से हम अपने लक्ष्य तक पहुंच पाएंगे। किसी एक सदस्य ने प्रश्न पूछा कि आपने दसवें प्लान में 41,000 मेगावॉट का लक्ष्य तय किया है। मुझे सदन को बताते हुए हर्ा होता है कि निश्चित रूप से दसवें प्लान में 41,000 मेगावॉट का लक्ष्य तय किया है। आज लगभग 30-32000 मेगावॉट के प्रोजेक्ट हैं। वे अलग-अलग स्तर पर हैं और इस दसवें प्लान में जो लक्ष्य तय किये हैं, वे निश्चित रूप में पूरा कर पाएंगे तो उसके लिए भी इस विधेयक में जो प्रावधान किए गए हैं, ये सारे प्रावधान इस लक्ष्य को पूरा करने में हमें निश्चित रूप में सहयोगी हो सकते हैं। यहां पर सभापति महोदय रघुवंश बाबू जब सदस्य के रूप में बोल रहे थे तब उन्होंने ऊर्जा के महत्व को बिल्कुल स्पट शब्दों में कहा। आज हमारे देश का विकास ऊर्जा पर निर्भर है। बिना ऊर्जा के राट्र का विकास नहीं हो सकता है और तब उन्होंने यह कहा कि यदि देश के हर घर-घर में बिजली जाती है तो हम नं. 1 होंगे और यदि बिहार के हर घर-घर में बिजली जाती है तो बिहार भी नं. 1 होगा। लेकिन मैं इसके आगे जाता हूं कि बिहार के यदि हर घर में बिजली जाती है तो एक और एक ग्यारह होंगे।

इतना हम आगे बढ़ सकते हैं इसलिए मैं आपसे बिल्कुल सहमत हूं। सुबोध मोहिते जी ने अपने भाषण में कहा था कि केवल विधेयक को पारित करने से हम अपने लक्ष्य तक नहीं पहुंच सकते। हमें यह निर्धारित करना है कि हर साल हम कितना घाटा कम करेंगे और कितनी ऊर्जा का निर्माण करेंगे। निश्चित रूप से हम इस तौर पर सोच रहे हैं, बल्कि निर्णय किया है और राज्यों को भी आदेश दिए हैं। इस तरह से हम घाटा कम करने के बारे में प्रयत्न कर रहे हैं। आने वाले पांच साल में हमारा प्रयास होगा कि इस घाटे को धीरे-धीरे कम किया जाए। दसवीं योजना में हमने जो 41,000 मेगावाट बिजली पैदा करने का लक्ष्य रखा है, उसको प्राप्त करने की हम पूरी कोशिश करेंगे। हमने जो निर्धारित किया है, उसके मुताबिक हम ऊर्जा की मांग को पूरा करने का प्रयास कर रहे हैं।

प्रकाश अम्बेडकर जी ने महत्वपूर्ण मुद्दा उपस्थित किया था कि रिमोट एरिया में ग्रामीण जनता को क्या ग्रिड के माध्यम से बिजली देने का प्रावधान इस विधेयक में है, तो मैं उनसे कहना चाहता हूं कि उसका भी प्रावधान इस विधेयक में किया गया है। गांवों में ग्रिड के माध्यम से हम बिजली देना चाहते हैं इसलिए उसका भी प्रावधान किया गया है। दुर्भाग्यवश यदि बहुत ही रिमोट एरिया है, जहां ग्रिड समय पर नहीं जा सकती, उसके लिए हमारा जो डिस्ट्रिब्यूटेड जेनरेशन सिस्टम है, उसको भी हम प्रोत्साहित करने जा रहे हैं। यदि रिमोट एरिया में कोई निजी संस्था, व्यक्ति, कोआपरेटिव या वहां की लोकल सेल्फ गवर्नमेंट की संस्था कोई प्रोजेक्ट लगाना चाहती है, उसको जेनरेट करना चाहती है, वितरण करना चाहती है, तो डिस्ट्रिब्यूटेड जेनरेशन सिस्टम को प्रभावी बनाने का निरंतर प्रयास चल रहा है, ताकि यह सुनिश्चित हो कि हिन्दुस्तान के हर गांव में बिजली जा सके। आपने नेशनल ग्रिड का भी जिक्र किया था। हमारे यहां रिजनल ग्रिड है और पांच रिजनल ग्रिड हैं, ईस्ट, वैस्ट, साउथ, नार्थ और नार्थ-ईस्ट। नेशनल ग्रिड हम बनाने जा रहे हैं। आज उत्तर पूर्वी राज्यों में सरप्लस बिजली है। हम वहां से बिजली को दक्षिण में ले जा रहे हैं। प्रधान मंत्री जी के हाथों हमने इस कार्य का उद्घाटन कराया था। तालचर और कोलार के बीच 700 किलोमीटर की ट्रांसमिशन लाइन है, इससे उड़ीसा से सरप्लस बिजली को कोलार ले जा रहे हैं तथा साउथ के चारों राज्यों को वह बिजली दे रहे हैं। इस तरह से जहां कम बिजली है, वहां सरप्लस वाले इलाके से बिजली ले जाने का काम कर रहे हैं।

राजो सिंह जी यहां बैठे हुए हैं। उन्होंने दो मुद्दे यहां उपस्थित किए थे। एक सी.ई.ए. के चेयरमैन के बारे में कहा था। मैं उनको जानकारी देना चाहूंगा कि सी.ई.आर.सी. के टैरिफ निर्धारित करते समय उत्पादन, पारेाण, वितरण सम्बन्धी जो तकनीकी बारीकियां हैं, उसके लिए विशेाज्ञ की जरूरत होती है। वर्तमान कानून में भी यह प्रोविजन किया गया है और जो हमारे सी.ई.आर.सी. के वर्तमान चेयरमैन हैं, वह उसके सदस्य हैं। जो विनियामक आयोग गठन करने का कानून है, उसके मुताबिक उसके जो सदस्य और चेयरमैन बनाए जाते हैं, वे सलेक्शन कमेटी के माध्यम से चुने जाते हैं। आज तक जो विनियामक आयोगों का अनुभव है, उसमें समाधान है और उनका अच्छा अनुभव है। हम यह महसूस नहीं करते कि इसमें कोई बदलाव की आवश्यकता है। इसलिए जो स्थाई समिति ने सुझाव दिया है, आज की स्थिति में यह आवश्यक नहीं है कि बदलाव करें।

आप सभी जानते हैं कि इस सदन में हमने कई विधेयक पारित किए हैं, उनको कानून बनाया है और समय की मांग पर, आवश्यकता पड़ने पर समय-समय पर जो आवश्यक बदलाव हैं, वे हमने किए हैं। इस संदर्भ में यदि आवश्यक हुआ तो निश्चित रूप से समय की मांग पर देश के हित में या क्षेत्र के हित में यदि कोई बदलाव लाना पड़ा, संशोधन करना पड़ा तो निश्चित रूप से भविय में वह किया जा सकता है।

सारे सदस्यों के जवाब तो मैं नहीं दे पाऊंगा। महाराट्र के जितने भी सदस्य हैं उन्होंने चिंता जताई है कि महाराट्र में लगभग 2500 मैगावाट बिजली की कमी है। महाराट्र के मुख्यमंत्री और ऊर्जा मंत्री जी को हमने आश्वस्त किया है कि भारत सरकार और ऊर्जा मंत्रालय की ओर से निश्चित रूप से सहयोग किया जाएगा। जितनी भी अतिरिक्त ऊर्जा हमारे पास है चाहे वह अन-लोकेटिड कोटे से हो, या पावर-ट्रेडिंग कॉरपोरेशन के माध्यम से हो, या ईस्टर्न रीज़न से साउथ के रीजन में जा रही हो, या वैस्टर्न रीजन में जा रही हो, अथवा जो पावर हम वैस्टर्न रीजन को ईस्टर्न रीजन से ले जा रहे हैं, उसमें से देने के लिए हो, इन सारे के लिए निश्चित रूप से केन्द्र सरकार की ओर से, ऊर्जा मंत्रालय की ओर से हम प्रयत्न कर रहे हैं और निश्चित रूप से महाराट्र की भी सहायता की जाएगी। सारे सदस्यों का उत्तर देने के लिए तो अब समय नहीं है और समय की बचत के लिए सर्वसाधारण मुद्दे जो हैं उनका जिक्र मैं करना चाहूंगा।

सभापति जी, मैं यह स्पट कर देना चाहता हूं कि यह विधेयक विद्युत क्षेत्र को सफल बनाने के लिए शुरू किये गये सुधार कार्यक्रमों की एक कड़ी है। इस विधेयक को सिर्फ निजीकरण की शंकाओं के घेरे में नहीं बांधना चाहिए। आज कुछ सदस्य यह समझते हैं कि यह मल्टीनेशनल के लिए या निजीकरण के लिए यह किया गया है

तो यह बात इसी संदर्भ में मैं कहना चाहता हूं। यह विधेयक उत्पादन, पारेाण, वितरण और विद्युतीकरण के क्षेत्र में खुली स्पर्धा द्वारा उपभोक्ताओं तक उचित दर पर गुणवत्ता-परक बिजली पहुंचाने के प्रयासों से संबंधित है। हमारे विद्युत बोर्ड इस स्पर्धा में अपने अनुभवों के आधार पर अग्रतम स्थान पाने में सक्षम हैं। इस विधेयक में निजीकरण के बंधन का प्रावधान नहीं है, जिसका उल्लेख मैंने किया था। साथ ही निजी क्षेत्र के द्वारा उपभोक्ताओं के हितों का हनन न हो, इससे लिए व्यापक व्य वस्था का प्रावधान है। स्वतंत्र विनियामक आयोग और अपलैट ट्रिब्यूनल की स्थापना का प्रावधान, जिसका उल्लेख मैंने किया है। साथ ही पारेाण में उपनिोध, जिसका जिक्र मैंने यहां किया है, इन सभी के ऊपर राज्य सरकारों से चर्चा कर राट्रीय नीतियों को लागू करने का प्रावधान है। इतना ही नहीं, गांव की छोटी-छोटी बस्तियों तक विद्युत आपूर्ति की व्यवस्था स्थापित करने के, सरकार के कथनों का प्रावधान भी इस विधेयक में है। इसलिए सदन को मैं विश्वास दिलाता हूं कि यह विधेयक विद्युत के क्षेत्र में विकास के लिए खुली स्पर्धा है, उपभोक्ताओं के हितों की रक्षा और देश के विद्युतीकरण, विशेातः ग्रामीण क्षेत्रों के प्रति सरकार की जवाबदेही का संगम है। इसके सकारात्मक दूरगामी परिणाम होंगे, यह मेरा विश्वास है।

अंततः मैं कहना चाहूंगा कि यह विधेयक किसी लौह-स्तम्भ पर लिखा गया ऐतिहासिक लेख नहीं है बल्कि यह एक नयी दिशा में जाने का संकल्प है और अनुभवों के आधार पर देश और जनहित के लिए जब भी जरूरत होगी, यथायोग्य परिवर्तन इस सदन के समक्ष लाये जाएंगे। मैं सारे सदस्यों को धन्यवाद देता हूं और प्रार्थना करता हूं कि इस विधेयक को पारित किया जाए।

SHRI SONTOSH MOHAN DEV (SILCHAR): We shall extend our support to this Bill today. But we reserve the right to move one or two amendments in the Rajya Sabha because we are not satisfied. Please do not worry; we are supporting the Bill today. But we are not satisfied about the accountability of the Regulatory Commission before the Parliament. The C&AG Report comes here, but first the Public Accounts Committee takes it up and then it comes here. So, on this issue, we would like to have a further dialogue with you.

Secondly, you have mentioned about the rural electrification. We are glad that you have said minimum ten per cent. So, on that, we would like to have some firm commitment from you. It has been the demand from all sides of the House. The rural electrification is a very basic need of the day. So, on these two points, we would like to have a further dialogue with you. You also said that there is no provision of privatisation, but there is a provision of privatisation.

SHRI ANANT GANGARAM GEETE: It is not a binding. ...(*Interruptions*)

SHRI SONTOSH MOHAN DEV : There is an option, but it is not a compulsion. But there is a provision, as Shri Shivraj V. Patil has also said. ...(*Interruptions*)

SHRI ANANT GANGARAM GEETE: I have also agreed. ...(*Interruptions*)

SHRI SONTOSH MOHAN DEV : So, there is no need of privatisation. Please do not say it and it should not go on record. ...(*Interruptions*)

SHRI ANANT GANGARAM GEETE: I have also agreed. ...(*Interruptions*)

SHRI SONTOSH MOHAN DEV : Wherever it is necessary, it has to be done.

Sir, with these few words, I thank him for a very lucid reply. It is his maiden reply. I think, he has done a high-tension power line today.

MR. CHAIRMAN : The question is:

> "That the Bill to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, rationalization of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto, be taken into consideration. "

*The motion was adopted.*

*MR. CHAIRMAN: The House will nowtake up clause-by-clause consideration of the Bill.*

***Clause 2 Definitions***

*Amendments made:*

**Page 2,--**

*for* line 27 *substitute* −

> "generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-

operative society or association.". (4)

Page 2, line 40,--

*for* "supplied with electricity" *substitute* "supplied with electricity for his own use". (5)

Page 3,--

*for* line 3, *substituteâ€"*

"electric plants of a captive generating plant referred to in section 9 or generating station referred to in section 10 to any transmission lines or sub-stations or generating stations or the load centre, as the case may be;". (6)

**Page 6, line 44,--**

*omit* "and the operating staff thereof". (7)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: There is an amendment to be moved by Shri Rajo Singh. Are you moving your amendment?

**श्री राजो सिंह (बेगूसराय) :** महोदय, मैं अमेडमेंड नहीं मूव कर रहा हूं।

MR. CHAIRMAN: Shri Basu Deb Acharia − not present.

The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

**Clause 3 National Electricity Policy and Plan**

*Amendments made*:

Page 7, line 17,--

*for* "(including tariff policy)" *substitute* "and tariff policy" (8)

Page 7,--

*for* line 19, *substituteâ€"*

"resources such as coal, natural gas, nuclear substances or materials, hydro and renewable sources of energy" (9)

Page 7, line 20,--

*for* "National Electricity Policy" *substitute* "National Electricity Policy and

tariff policy" (10)

**Page 7,--**

*for* lines 22 and 23, *substituteâ€"*

"(3) The Central Government may, from time to time, in consultation with the State

Governments and the Authority, review or revise the National Electricity Policy and tariff policy referred to in sub-section (1). " (11)

Page 7,--

*after* line 28, *insertâ€"*

"Provided further that the Authority shall −

a. notify the plan after obtaining the approval of the Central Government;
b. revise the plan incorporating therein the directions, if any, given by the Central Government while granting approval under clause (a).". (12)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: Shri Basu Deb Acharia − Not present.

The question is:

"That clause 3, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

MR. CHAIRMAN: The question is:

"That clauses 4 to 7 stand part of the Bill."

*The motion was adopted.*

*Clauses 4 to 7 were added to the Bill.*

**Clause 8 Hydro electric generation**

*Amendments made*:

**Page 8,--**

*for* line 6 to 11, *substituteâ€"*

"8 (1) Notwithstanding anything contained in section 7, any generating company intending to set up a hydro-generating station shall prepare and submit to the Authority for its concurrence, a scheme estimated to involve a capital expenditure exceeding such sum, as may be fixed by the Central Government, from time to time, by notification." (13)

Page 8, line 12,--

*for* "(3)", *substitute* "(2)". (14)

Page 8, line 13, --

*for* "(2)", *substitute* "(1)". (15)

Page 8,--

*omit* lines 22 and 23. (16)

Page 8, line 24, --

*for* "(4)", *substitute* "(3)" (17)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 8, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 8, as amended, was added to the Bill.*

*Clauses 9 and 10 were added to the Bill.*

**Clause 11 Direction to generating companies**

*Amendment made*:

Page 9, line 14,--

*after* "natural calamity" *insert* "or such other circumstances arising in

public interest". (18)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: There is an amendment to be moved by Shri Rajo Singh. Are you moving your amendment?

**श्री राजो सिंह (बेगूसराय) :** महोदय, मैं अमेडमेंड नहीं मूव कर रहा हूं।

MR. CHAIRMAN: The question is:

"That clause 11, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 11, as amended, was added to the Bill.*

*Clause 12 was added to the Bill.*

**Clause 13 Power to exempt**

*Amendments made* :

Page 9, line 27, --

*for* "in the public interest", *substitute* "in accordance with the national policy formulated under section 5 and in the public interest". (19)

Page 9, --

*omit* lines 31 to 34. (20)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is :

"That clause 13, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 13, as amended, was added to the Bill.*

Clause 14 **Grant of licence**

*Amendments made* :

Page10, --

*after* line 13, *insert* –

"Provided also that in case an Appropriate Government transmits electricity or distributes electricity or undertakes trading in electricity, whether before or after the commencement of this Act, such Government shall be deemed to be a licensee under this Act, but shall not be required to obtain a licence under this Act:

Provided also that the Damodar Valley Corporation, established under sub-section (1) of section 3 of the Damodar Valley Corporation Act, 1948, shall be deemed to be a licensee under this Act but shall not be required to obtain a licence under this Act and the provisions of the Damodar Valley Corporation Act, 1948, in so far as they are not inconsistent with the provisions of this Act, shall continue to apply to that Corporation:" (21)

Page 10, --

*for lines 17 and 18, substitute* −

> "Provided also that the Appropriate Commission may grant a licence to two or more persons for distribution of electricity through their own distribution system within the same area, subject to the conditions that the applicant for grant of licence within the same area shall, without prejudice to the other conditions or requirements under this Act, comply with the additional requirements (including the capital adequacy, credit-worthiness, or code of conduct) as may be prescribed by the Central Government, and no such applicant who complies with all the requirements for grant of licence shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose." (22)

**Page 10, line 26, --**

***for* "distribution of electricity", *substitute* --**

> "distribution of electricity, but he shall comply with the measures which may be specified by the Authority under section 53". (23)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is :

"That clause 14, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 14, as amended, was added to the Bill.*

**Clause 15 Procedure for grant of licence**

*Amendments made* :

Page 11, --

*for* lines 6 to 11, *substitute* −

"(a) publish a notice in two such daily newspapers, as that Commission may consider necessary, stating the name and address of the person to whom it proposes to issue the licence;". (24)

Page 11, --

*for lines 28 and 29, substitute* −

"(8) A licence shall continue to be in force for a period of twenty-five years unless such licence is revoked.". (25)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is :

"That clause 15, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 15, as amended, was added to the Bill.*

**Clause 16 Conditions of licence**

*Amendment made* :

Page 11, line 35, --

*for "first, second and third", substitute "first, second, third, fourth and fifth". (26)*

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is :

"That clause 16, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 16, as amended, was added to the Bill.*

*Clauses 17 to 21 were added to the Bill.*

**Clause 22 Provisions where no purchase takes place**

*Amendment made* :

Page 14, --

*for* lines 27 to 29, *substitute* --

22(1) If the utility is not sold in the manner provided under section 20 or section 24, the Appropriate Commission may, to protect the interest of consumers or in public interest, issue such directions or formulate such scheme as it may deem necessary for operation of the utility.

(2) Where no directions are issued or scheme is formulated by the Appropriate Commission under sub-section (1), the licensee referred to in section 20 or section 24 may dispose of the utility in such manner as it may deem fit." (27)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is :

"That clause 22, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 22, as amended, was added to the Bill.*

*Clauses 23 to 26 were added to the Bill.*

**Clause 27 Constitution of Regional Load Dispatch Centre**

*Amendment made* :

Page 16, lines 4 and 5, --

*for* "the business of trading in electricity", *substitute* "the business of generation of electricity or trading in electricity". (28)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is :

"That clause 27, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 27, as amended, was added to the Bill.*

*Clause 28 was added to the Bill.*

**Clause 29 Compliance of directions**

*Amendments made* :

Page 16, --

*for lines 39 to 46, substitute* −

"(4) The Regional Power Committee in the region may, from time to time, agree on matters concerning the stability and smooth operation of the integrated grid and economy and efficiency in the operation of the power system in that region." (29)

**Page 16, line 47, --**

***for* "(6)", *substitute* "(5)". (30)**

Page 17, line 4, --

*for "(7)", substitute "(6)". (31)*

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is :

"That clause 29, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 29, as amended, was added to the Bill.*

*Clauses 30 to 32 were added to the Bill.*

**Clause 33 Compliance of directions**

*Amendments made:*

Page 18,--

*omit* lines 1 and 2. (32)

Page 18, line 3,--

*for* "(5)", *substitute* "(4)". (33)

Page 18, line 8,--

*for* "(6)", *substitute* "(5)". (34)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 33, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 33, as amended, was added to the Bill.*

*Clause 34 was added to the Bill.*

**Clause 35 Intervening transmission facilities**

*Amendment made*:

Page 18,--

*after* line 17, *insert*--

"Provided that any dispute, regarding the extent of surplus capacity available with the licensee, shall be adjudicated upon by the Appropriate Commission." (35)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 35, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 35, as amended, was added to the Bill.*

**Clause 36 Charges for intervening transmission facilities**

*Amendment made:*

Page 18, line 24,--

*for* "proportionately allocated to" *substitute* "allocated in proportion to the use of.". (36)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 36, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 36, as amended, was added to the Bill.*

*Clause 37 was added to the Bill.*

**Clause 38 Central Transmission utility and functions**

*Amendments made:*

Page 18,--

*for* line 36, *substitute* "generation of electricity or trading in electricity." (37)

Page 19,--

*for* lines 15 to 19 *substitute*--

"(i) any licensee or generating company on payment of the transmission charges; or

(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of transmission charges and a surcharge thereon, as may be specified by the Central Commission.". (38)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: Shri Basu Deb Acharia is not present. The question is:

"That clause 38, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 38, as amended, was added to the Bill.*

**Clause 39 State Transmission**

**Utility and Functions**

*Amendment made:*

Page 20,--

*for* lines 15 to 19, *substitute*--

i. any licensee or generating company on payment of the transmission charges; or
ii. any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission.". (39)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 39, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 39, as amended, was added to the Bill.*

**Clause 40 Duties of transmission licences**

*Amendment made:*

Page 20,--

*for* lines 40 to 44, *substitute*--

"(i) any licensee or generating company on payment of the transmission charges; or

(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission.". (40)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 40, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 40, as amended, was added to the Bill.*

*Clause 41 was added to the Bill.*

**Clause 42 Duties of distribution licenses**

*Amendments made:*

Page 21, *for* lines 26 to 47, *substitute*–

Duties of distribution licensees and open access.

"42. (1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

(2) The State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

Provided that such open access may be allowed before the cross subsidies are eliminated on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission :

Provided further that such surcharge shall be utilised to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee :

Provided also that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

(3) Where any person, whose premises are situated within the

area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity in accordance with regulations made by the State Commission and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access .

(4) Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.

(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

(8) The provisions of sub-sections (5), (6) and (7) shall be without

prejudice to right which the consumer may have apart from the right conferred upon him by those sub-sections.". (41)

Page 22,

*omit* lines 1 to 9. (42)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 42, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 42, as amended, was added to the Bill.*

**Clause 43 Duty to supply on request**

*Amendments made:*

Page 22, lines 15 and 16,--

*for* "or within six months, whichever is earlier" *substitute* "or within such period as may be specified by the Appropriate Commission.". (43)

Page 22,--

*After* line 16, *insert*--

"Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.". (44)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 43, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 43, as amended, was added to the Bill.*

*Clauses 44 to 48 were added to the Bill.*

**Clause 49 Agreements with respect to supply or purchase of electricity**

***Amendment Made:***

**Page 23, -**

***for* lines 32 to 34 *substitute* –**

49. Where the Appropriate Commission has allowed open access to certain consumers under section 42, such consumers, notwithstanding the provisions contained in clause (d) of sub-section (1) of section 62, may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as

may be agreed upon by them.". (45)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is:

"That clause 49, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 49, as amended, was added to the Bill.*

*Clause 50 was added to the Bill.*

Clause 51 **Other business of distrubution licensees**

*Amendment Made:*

Page 24, *after* line 2, *insert* −

"Provided also that nothing contained in this section shall apply to a local authority engaged before the commencement of this Act in the business of distribution of electricity.". (46)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 51, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 51, as amended, was added to the Bill.*

*Clause 52 was added to the Bill.*

Clause 53 **Provision relating to safety and electricity supply**

***Amendment Made:***

Page 24, line 10,--

*for* "The Authority may specify", *substitute* "The Authority may, in consultation with the State Government, specify". (47)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 53, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 53, as amended, was added to the Bill.*

*Clause 54 was added to the Bill.*

*Clause 55* ***Use etc. of meters***

*Amendments made:*

**Page 25, line 11,--**

*for "No person", substitute "No licensee". (48)*

**Page 25, line 12,--**

*for "through a meter to be installed and operated", substitute "through installation of a correct meter". (49)*

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 55, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 55, as amended, was added to the Bill.*

*Clause 56* ***Disconnection of supply in***

**default of payment**

*Amendment made:*

*Page 25,--*

*for lines 40 to 42, substitute -*

"Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

(a) an amount equal to the sum claimed from him, or

(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,

whichever is less, pending disposal of any dispute between him and the licensee.". (50)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 56, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 56, as amended, was added to the Bill.*

*Clauses 57 to 60 were added to the Bill.*

*Clause 61* ***Tariff Regulations***

MR. CHAIRMAN: Shri Basu Deb Acharia is not present.

*Amendments made:*

Page 26,--

*for lines 43 and 44, substitute −*

"(g) that the tariff progressively, reflects the cost of supply of electricity, and also reduces and eliminates cross-subsidies within the period to be specified by the Appropriate Commission." (51)

Page 27,--

*omit line 1. (52)*

**Page 27, line 2,--**

*for "(i)", substitute "(h)". (53)*

*Page 27,--*

*for line 4, substitute −*

"(i) the National Electricity Policy and tariff policy." (54)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 61, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 61, as amended, was added to the Bill.*

***Clause 62 Determination of Tariff***

*Amendment made:*

*Page 27,--*

*after line 20, insert −*

"Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate Commission may, for promoting competition

among distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity.". (55)

[

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 62, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 62, as amended, was added to the Bill.*

---

*Clause 63* ***Determination of Tariff by bidding process***

*Amendment made:*

*Page 27,--*

*for line 40, substitute −*

"shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government. (56)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 63, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 63, as amended, was added to the Bill.*

*Clause 64* ***Procedure for tariff order***

*Amendments made:*

*Page 28,--*

*for lines 1 to 6, substitute −*

"(2) Every applicant shall publish the application, in such abridged form and manner, as may be specified by the Appropriate Commission.". (57)

Page 28, line 7,--

*for "(4)", substitute "(3)" (58)*

*Page 28, line 17,--*

*for "(5)", substitute "(4)" (59)*

*Page 28, line 20,--*

*for* "(6)", *substitute* "(5)" (60)

*Page 28, line 26,--*

*for* "(7)", *substitute* "(6)" (61)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 64, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 64, as amended, was added to the Bill.*

***Clause 65 Provision of subsidy by***

***State Government***

*Amendment made:*

**Page 28, line 30,--**

*for* "State Government shall", *substitute* "State Government shall, notwithstanding any direction which may be given under section 108,".

(62)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is:

"That clause 65, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 65, as amended, was added to the Bill.*

*Clause 66* ***Development of Market***

*Amendment made:*

Page 28, line 39,--

*after* "as may be specified", *insert* "and shall be guided by the National Electricity Policy referred to in section 3 in this regard". (63)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 66, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 66, as amended, was added to the Bill.*

Clause 67 ***Provision as to opening***

**up of Streets, railways, etc.**

*Amendments made:*

**Page 29, line 44,--**

*for* "dispute", *substitute* "dispute [including amount of compensation under sub-section (3)]". (64)

Page 29, after line 45, insert −

"(5) The Appropriate Commission, while determining any difference or dispute arising under this section in addition to any compensation under sub-section (3), may impose a penalty not exceeding the amount of compensation payable under that sub-section.". (65)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 67, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 67, as amended, was added to the Bill.*

*Clauses 68 and 69 were added to the Bill.*

Clause 70 ***Constitution etc. of Central***

**Electricity Authority**

*Amendments made:*

Page 31, line 5,--

*for "fourteen Members", substitute "fourteen Members (including its Chairperson)". (66)*

**Page 31,--**

*for* lines 7 and 8, *substitute* −

"(4) The Central Government may appoint any person, eligible to be appointed as Member of the Authority, as Chairperson of the Authority, or, designate one of the full time Members as Chairperson of the Authority.". (67)

Page 31, line 19,--

*for "All the Members", substitute "The Chairperson and all the Members".* (68)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 70, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 70, as amended, was added to the Bill.*

*Clauses 71 to 73 were added to the Bill*

Clause 74 **Power to require**

**statistics and returns**

*Amendments made:*

**Page 32, line 46,--**

*omit "or consuming electricity". (69)*

*Page 32, line 47,--*

*omit* "accounts,". (70)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 74, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 74, as amended, was added to the Bill.*

*Clause 75 was added to the Bill.*

*Clause 76* ***Constitution of Central***

**Commission**

*Amendment made:*

**Page 33,--**

*after line 13, insert −*

"Provided that the Chairperson and other Members of the Central Commission appointed, before the commencement of this Act, under the Electricity Regulatory Commissions Act, 1998, may, on the recommendations of the Selection Committee constituted under sub-section (1) of section 78, be allowed to opt for the terms and conditions under this Act by the Central Government.". (71)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 76, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 76, as amended, was added to the Bill.*

*Clauses 77 and 78 were added to the Bill.*

*Clause 79* ***Functions of Central***

***Commission***

*Amendments made:*

**Page 34,--**

*for* line 52, *substitute* −

"(h) to specify Grid Code having regard to Grid Standards.".

(72)

**Page 34,--**

*for* line 55, *substitute* −

"(j) to fix the trading margin in the inter-State trading of electricity, if considered, necessary;

(k) to discharge such other functions as may be assigned under this Act.".

(73)

Page 35,--

*for* lines 1 to 3, *substitute* −

"(2) The Central Commission shall advise the Central Government on all or any of the following matters, namely :-" (74)

Page 35,--

*omit lines 10 and 11. (75)*

***Page 35, line 15,--***

*after* "National Electricity Policy", *insert* ", National Electricity Plan and tariff policy". (76)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 79, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 79, as amended, was added to the Bill.*

*Clauses 80 and 81 were added to the Bill.*

Clause 82 **Constitution of State**

**Commission**

*Amendment made:*

Page 35,--

*after* line 46, *insert*-

"Provided further that Chairperson and other Members of the

State commission appointed, before the commencement of this

Act, under the Electricity Regulatory Commissions Act, 1998 or

under the enactments specified in the Schedule, may, on the recommendations of the Selection Committee constituted under

sub section (1) of section 85, be allowed to opt for the terms and conditions under this Act by the concerned State Government. " (77)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 82, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 82, as amended, was added to the Bill.*

*Clause 83* ***Joint Commission***

*Amendment made:*

*Page 36,- -*

*after line 38, insertâ€"*

"(5) Notwithstanding anything contained in this section, the Central Government may, if so authorised by all the participating States,

constitute a Joint commission and may exercise the powers in respect of all or any of the matters specified under sub-section (3) and when so specifically authorised by the participating States."

(78)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 83, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 83, as amended, was added to the Bill.*

*Clause 84 was added to the Bill.*

**Clause 85 Constitution of Selection Committee to select Members of State Commission**

*Amendment made:*

Page 37,-

*for* line 5, *substitute*- -

"(c) the Chairperson of the Authority or the Chairperson of the Central Commission â€¦.. Member:" (79)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 85, as amended, stand part of the Bill."

*The motion was adopted*

*Clause 85, as amended was added to the Bill.*

Clause 86 **Functions of State Commission**

Amendments made:

Page 37,- -

*for* lines 37 to 39, *substitute*-

"electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee." (80)

Page 38,-

*for* lines 1 to 5, *substitute*- -

"(j) fix the trading margin in the intra-State trading of electricity, if

considered, necessary;

(k) discharge such other functions as may be assigned to it under

this Act.

(2) The State Commission shall advise the State Government on all

or any of the following matters, namely:--". (81)

**Page 38,- -**

*omit* lines 13 and 14 (82)

Page 38, line 18,- -

*after* "National Electricity Policy" *insert* ", National Electricity

Plan and tariff policy." (83)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 86, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 86, as amended, was added to the Bill.*

*Clauses 87 and 88 were added to the Bill.*

Clause 89 **Term of office and conditions**

**of service of members**

*Amendments made:*

Page 38, line 40,- -

*for* "three years", substitute "five years" (84)

Page 38,- -

*for lines 42 to 45, substitute--*

**"Provided that the Chairperson or other Member in the Central Commission or the State Commission shall not be eligible**

**for reappointment in the same capacity as the Chairperson or a Member in that Commission in which he had earlier held office as such :**

Provided further that no Chairperson or Member shall hold office as such after he has attained the age of sixty-five years.". (85)

Page 39,- -

*omit* lines 11 and 12. (86)

Page 39, line 13,--

*for* "(b)" *substitute* "(a)" (87)

Page 39, line 15,--

*for* "( c) *substitute* "(b)" (88)

Page 39,--

*for* lines 17 to 22, *substitute*- -

"Explanation. -- for the purposes of this sub-section, "commercial

employment" means employment in any capacity in any

organisation which has been a party to the proceedings before

the Appropriate Commission or employment in any capacity

under, or". (89)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 89, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 89, as amended, was added to the Bill.*

*Clauses 90 to 111 were added to the Bill.*

***Clause 112 Composition of Appellate***

***Tribunal***

*Amendment made:*

*Page 44,--*

*for* lines 31 and 32 *substitute*--

"112. (1) The Appellate Tribunal shall consist of a Chairperson and

three other Members." (90)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 112, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 112, as amended, was added to the Bill.*

*Clause 113* ***Qualifications for appointment***

**of Chairperson and Members of**

**Appellate Tribunal**

***Amendment made:***

**Page 45,--**

*for* lines 19 to 22, *substitute*- -

" knowledge or experience in dealing with the matters relating to

electricity generation, transmission and distribution and

regulation or economics, commerce, law or management". (91)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 113, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 113, as amended, was added to the Bill.*

*Clauses 114 to 125 were added to the Bill.*

**21.00 hrs.**

**Clause 126 Assessment**

***Amendment made:***

Page 48, --

*for* lines 36 to 38, *substitute* −

"Explanation .- For the purposes of this section, -

a. "assessing officer" means an officer of a State Government or Board or licensee, as the case may be, designated as such by the State Government ;
b. "unauthorised use of electricity" means the usage of electricity --
    i. by any artificial means; or
    ii. by a means not authorised by the concerned person or authority or licensee; or
    iii. through a tampered meter; or
    iv. for the purpose other than for which the usage of electricity was authorised.". (92)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 126, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 126, as amended, was added to the Bill.*

Clause 127 **Appeal to adjudicating**

**Officer**

***Amendments made:***

| | | |
|---|---|---|
| "Appeal to appellate authority. | **Page 48, --**<br>***for* lines 39 to 42, *substitute*-**<br>**127.(1) Any person aggrieved by a final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.". (93)** | |
| | Page 48, line 47,--<br>*for* "adjudicating officer", *substitute* "appellate authority referred to in sub-section (1)". (94) | |
| | Page 48, line 49,--<br>*for* "adjudicating officer", *substitute* "appellate authority referred to in sub-section (1)". (95) | |
| | **Page 49,--**<br>*for* "adjudicating officer", *substitute* "appellate authority referred to in sub-section (1)". (96) | |

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 127, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 127, as amended, was added to the Bill.*

*Clauses 128 to 135 were added to the Bill.*

Clause 136 **Theft of electric lines**

**and materials**

*Amendment made:*

| | | |
|---|---|---|
| | **Page 53,--**<br>***for* lines 41 and 42, *substitute* –**<br>**"located including during transportation, without the consent of the licensee or the owner, as the case may** | |

| | | |
|---|---|---|
| | **be, whether or not the act is done for profit or gain; or". (97)** | |

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 136, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 136, as amended, was added to the Bill.*

*Clause 137 was added to the Bill.*

**Clause 138 Interference with meters or works of licensee**

*Amendments made:*

**Page 54, line 26,--**

***for* "duly registering; or," *substitute* "duly registering," (98)**

**Page 54,--**

***omit* line 27. (99)**

**Page 54,--**

***for* lines 33 and 34, *substitute* -**

**"(*c*), for causing such alteration or prevention as is referred to in clause (*d*), and that the meter, indicator or apparatus". (100)**

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 138, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 138, as amended, was added to the Bill.*

*Clause 139 was added to the Bill.*

Clause 140 **Penalty for meliciously wasting electricity or injuring works**

***Amendment made:***

**Page 54,--**

***for* lines 44 and 45, *substitute* -**

**"supply line or works, shall be punishable with fine which may extend to ten thousand rupees.". (101)**

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 140, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 140, as amended, was added to the Bill.*

Clause 141 **Extinguishing public lamps**

*Amendment made*:

**Page 54,--**

***for* lines 47 and 48, *substitute* -**

**"fine which may extend to two thousand rupees." (102)**

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 141, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 141, as amended, was added to the Bill.*

*Clauses 142 to 144 were added to the Bill.*

**Clause 145 Civil court not to have**

**jurisdiction**

***Amendment made:***

**Page 55, line 27,--**

***for* "in section 126 and", *substitute* "in section 126 or an appellate authority referred to in section 127 or" (103)**

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 145, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 145, as amended, was added to the Bill.*

*Clauses 146 to 152 were added to the Bill.*

**Motion Re : Suspension of Rule 80 (i)**

SHRI ANANT GANGARAM GEETE: Sir, I beg to move:

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 104 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

MR. CHAIRMAN (DR. RAGHUVANSH PRASAD SINGH): The question is:

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 104 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

*The motion was adopted.*

*NewClause 152A*

*Amendment made:*

*Page 57, -*

*after line 2, insert −*

*"Part XIV A*

**SPECIAL COURTS:**

Constitution of Special Courts.

152A. (1). The State Government may, for the purposes of providing speedy trial of offences referred to in sections 135 to 139, by notification in the Official Gazette, constitute as many Special Courts as may be necessary for such area or areas, as may be specified in the notification.

(2) A Special Court shall consist of a single Judge who shall be appointed by the State Government with the concurrence of the High Court.

(3) A person shall not be qualified for appointment as a Judge of a Special Court unless he was, immediately before such appointment, an Additional District and Sessions Judge.

(4) Where the office of the Judge of a Special Court is vacant, or such Judge is absent from the ordinary place of sitting of such Special Court, or he is incapacitated by illness or otherwise for the performance of his duties, any urgent business in the Special Court shall be disposed of −

a. by a Judge, if any, exercising jurisdiction in the Special Court;
b. where there is no such other Judge available, in accordance with the direction of District and Sessions Judge having jurisdiction over the ordinary place of sitting of Special Court, as notified under sub-section(1). (104)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That new clause 152A be added to the Bill."

*The motion was adopted.*

*New Clause 152A was added to the Bill.*

**Motion Re : Suspension of Rule 80 (i)**

SHRI ANANT GANGARAM GEETE: Sir, I beg to move:

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 105 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 105 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

*The motion was adopted.*

*NewClause 152B*

*Amendment made:*

Page 57,-

*after l*ine 2, *insert* −

2 of 1974.

Procedure and power of Special Court.

152B. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sections 135 to 139 shall be triable only by the Special Court within whose jurisdiction such offence has been committed.

(2) Where it appears to any court in the course of any inquiry or trial that an offence punishable under sections 135 to 139 in respect of any offence that the case is one which is triable by a Special Court constituted under this Act for the area in which such case has arisen, it shall transfer such case to such Special Court, and thereupon such case shall be tried and disposed of by such Special Court in accordance with the provisions of this Act :

Provided that it shall be lawful for such Special Court to act on the evidence, if any, recorded by any court in the case of presence of the accused before the transfer of the case to any Special Court :

Provided further that if such Special Court is of opinion that further examination, cross-examination and re-examination of any of the witnesses whose evidence has already been recorded, is required in the interest of justice, it may re-summon any such witness and after such further examination, cross-examination or re-examination, if any, as it may permit, the witness shall be discharged.

(3) The Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code of Criminal Procedure, 1973, try the offence referred to in sections 135 to 139 in a summary way in accordance with the procedure prescribed in the said Code and the provisions of sections 263 to 265 of the said Code shall, so far as may be, apply to such trial :

Provided that where in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try such case in summary way, the Special Court shall recall any witness who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the said Code for the trial of such offence:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding five years.

(4) A Special Court may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to, any offence tender pardon to such person on condition of his making a full and true disclosure of the circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof, and any pardon so tendered shall , for the purposes of section 308 of the Code of Criminal Procedure, 1973, be deemed to have been tendered under section 307 thereof.

(5) The Special Court may determine the civil liability against a consumer or a person in terms of money for theft of energy which shall not be less that an amount equivalent to two times of the tariff rate applicable for a period of twelve months preceding the date of detection of theft of energy or the exact period of theft if determined which ever is less and the amount of civil liability so determined shall be recovered as if it were a decree of civil court.

(6) In case the civil liability so determined finally by the Special Court is less than the amount deposited by the consumer or the person, the excess amount so deposited by the consumer or the person, to the Board or licensee or the concerned person, as the case may be, shall be refunded by the Board or licensee or the concerned person, as the case may be, within a fortnight from the date of communication of the order of the Special Court together with interest at the prevailing Reserve Bank of India prime lending rate for the period from the date of such deposit till the date of payment.

*Explanation.* - For the purposes of this section, "civil liability" means loss or damage incurred by the Board or licensee or the concerned person, as the case may be, due to the commission of an offence referred to in sections 135 to 139.

(105)

*(Shri Anant Gangaram Geete)*

*MR. CHAIRMAN: The question is:*

"That new Clause 152B be added to the Bill."

***The motion was adopted.***

***New Clause 152B was added to the Bill.***

**Motion Re : Suspension of Rule 80 (i)**

**SHRI ANANT GANGARAM GEETE: Sir, I beg to move:**

**"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 106 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."**

MR. CHAIRMAN: The question is:

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 106 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

*The motion was adopted.*

*NewClause 152C*

*Amendment made:*

Page 57,-

*after line 2, insert –*

| | |
|---|---|
| Special Court to have powers of Court of Session. | 152C. Save as otherwise provided in this Act, the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings before the Special Court and for the purpose of the provisions of the said enactments, the Special Court shall be deemed to be a Court of Session and shall have all powers of a Court of Session and the person conducting a prosecution before the Special Court shall be deemed to be a Public Prosecutor. |

(106)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That new Clause 152C be added to the Bill."

***The motion was adopted.***

***New Clause 152C was added to the Bill.***

**Motion Re : Suspension of Rule 80 (i)**

**SHRI ANANT GANGARAM GEETE: Sir, I beg to move:**

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 107 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 107 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

*The motion was adopted.*

*NewClause 152D*

*Amendment made:*

Page 57,-

*after* line 2, *insert* −

| | |
|---|---|
| 2 of 1974. Appeal and revision. | 152D. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973, as if the Special Court within the local limits of the jurisdiction of the High Court is a District Court, or as the case may be , the Court of Session , trying cases within the local limits of jurisdiction of the High Court. (107) |

(Shri Ananat Gangaram Geeete)

MR. CHAIRMAN: The question is:

"That new Clause 152D be added to the Bill."

***The motion was adopted.***

***New Clause 152D was added to the Bill.***

**Motion Re : Suspension of Rule 80 (i)**

**SHRI ANANT GANGARAM GEETE: Sir, I beg to move:**

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 108 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause ( i ) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No. 108 to the Electricity Bill, 2001 and that this amendment may be allowed to be moved."

*The motion was adopted.*

*NewClause 152E*

*Amendment made:*

Page 57,-

*after* line 2, *insert* −

Review 152E. The Special Court may , on a petition or otherwise and in order to prevent miscarraige of justice, review its judgment or order passed under section 152B, but no such review petition shall be entertained except on the ground that it was such order passed under a mistake of fact, ignorance of any material fact or any error apparent on the face of the record :

Provided that the Special Court shall not allow any review petition and set aside its previous order or judgment without hearing the parties affected.

Explanation.- For the purpose of this Part, "Special Courts" means the Special Courts constituted under sub-section (1) of section 152 A.

(108)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That new Clause 152E be added to the Bill."

***The motion was adopted.***

***New Clause 152E was added to the Bill.***

***Clauses 153 to 156 were added to the Bill.***

**Clause 157 Appointment of Chief Electrical Inspector and Electrical Inspector**

***Amendment made:***

**Page 58 line 22, -**

***after*** **"an Electrical Inspector under this Act"** ***substitute*** **"exercise such other powers and perform such other functions as may be prescribed" (109)**

**(Shri Anant Gangaram Geete)**

**MR. CHAIRMAN : The question is:**

**"That clause 157, as amended, stand part of the Bill."**

***The motion was adopted.***

***Clause 157, as amended, was added to the Bill.***

***Clauses 158 to 164 were added to the Bill.***

**Clause 165 Recovery of sums payable under Act**

***Amendment made:***

**Page 60,-**

***for* line 17 and 18, *substitute* −**

| | |
|---|---|
| "Recovery of penalty payable under this Act | 165. Any penalty payable by a person under this Act, if not paid, may be recovered as if it were an arrear of land revenue." (110) |
| | (Shri Anant Gangaram Geete) |

MR. CHAIRMAN : The question is:

"That clause 165, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 165, as amended, was added to the Bill.*

*Clauses 166 was added to the Bill.*

Clause 167 **Transitional provisions**

*Amendment made:*

**Page 60,-**

*for* lines 47 and 48, *substitute* −

"for such further period beyond the said period of one year as may be mutually decided by the Central Government and the State Government." (111)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is:

"That clause 167, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 167, as amended, was added to the Bill.*

Clause 168 **Inconstistency in laws**

*Amendment made:*

Page 61, line 19,-

| | |
|---|---|
| *after "Atomic Energy Act, 1962", insert "or the Railways Act, 1989". (112)* | 33 of 1962<br><br>24 of 1989 |

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is:

"That clause 168, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 168, as amended, was added to the Bill.*

*Clause 169 and 170 were added to the Bill.*

Clause 171 **Power of Central Government**

**to make rules**

***Amendments made:***

**Page 61,-**

***after* line 31, *insert* –**

**"(aa) the additional requirements (including the capital adequacy, creditworthiness or code of conduct) under sixth proviso to section 14;". (113)**

Page 62, -

*after* line 23, *insert*--

"(t) the authority to whom the appeal shall be filed under sub-section (1) of section 127;". (114)

Page 62, line 24,-

*for "(t)" substitute "(u)" (115)*

*Page 62, line 26,-*

*for "(u)" substitute "(v)" (116)*

*Page 62,-*

*after line 27, insert-*

*"(w) the powers to be exercised and the functions to be performed by the Inspectors under sub-section (1) of section 157;". (117)*

*Page 62, line 28,-*

*for "(v)" substitute "(x).". (118)*

*Page 62, line 30, -*

*for "(w)" substitute "(y).". (119)*

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is:

"That clause 171, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 171, as amended, was added to the Bill.*

***Clause 172 was added to the Bill.***

Clause 173 **Power of Central Commission to**

**make regulations**

***Amendment made:***

**Page 63, -**

*after* line 35, *insert*--

"(qa) the period within which the cross-subsidies shall be reduced and eliminated under clause (g) of section 61;". (120)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN : The question is:

"That clause 173, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 173, as amended, was added to the Bill.*

*Clauses 174 and 175 were added to the Bill.*

Clause 176 **Powers of State Commissions to**

**make regulations**

***Amendment made:***

**Page 66,--**

*for lines 11 to 15, substitute*−

"(p) reduction and elimination of surcharge and cross-subsidies under the third proviso to sub-section (2) of section 42;

(q) payment of additional charges on charges of wheeling under sub-section (4) of section 42;

(r) guidelines under sub-section (5) of section 42;

(ra) the time and manner for settlement of grievance under sub-section (7) of section 42;

(rb) the period to be specified by the State Commission for the purposes specified under sub-section (1) of section 43;" (121)

Page 66, *for* line 29, *substitute* −

"(za) the period within which the cross-subsidies shall be reduced and eliminated under clause (g) of section 61;

(zaa) the terms and conditions for determination of tariff under section 61;". (122)

Page 66, --

*omit* lines 36 and 37. (123)

Page 66,

line 38, *for* "sub-section (4)" *substitute* "sub-section (3)".

(124)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 176, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 176, as amended, was added to the Bill.*

*Clauses 177 to 179 were added to the Bill.*

Clause 180 **Repeal and saving**

*Amendment made:*

Page 67,

*after line 46, insert –*

"(d) all rules made under sub-section (1)

of section 69 of the Electricity (Supply)

Act, 1948 shall continue to have effect

until such rules are rescinded or modified, 54 of 1948

as the case may be;

(e) all directives issued, before the commencement of this Act, by a State Government under the enactments specified in the Schedule shall continue to apply for the period for which such directions were issued by the State Government.". (125)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 180, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 180, as amended, was added to the Bill.*

***The Schedule***

*Amendment made:*

*Page 69,--*

*after line 10, insert--*

"8. The Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (Madhya Pradesh Act No. 4 of 2001)". (126)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That the Schedule, as amended, stand part of the Bill."

*The motion was adopted.*

*The Schedule, as amended, was added to the Bill.*

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*Clause 1* ***Short title, extent and commencement***

*Amendment made:*

**Page 1, line 5,-**

***for*** **"2001", *substitute* "2003". (3)**

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

***Enacting Formula***

*Amendment made:*

Page 1, line 1,-

*for* "Fifty-second Year", *substitute* "Fifty-fourth Year". (2)

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

**The Long Title**

*Amendment made:*

That in the long title,--

*for "development of electricity industry," substitute "development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas," (1)*

(Shri Anant Gangaram Geete)

MR. CHAIRMAN: The question is:

"That the Long Title, as amended, stand part of the Bill."

*The motion was adopted.*

*The Long Title, as amended, was added to the Bill.*

SHRI ANANT GANGARAM GEETE : Sir, I beg to move:

"That the Bill, as amended, be passed."

**सभापति महोदय :** प्रश्न यह है कि :

"कि विधेयक को, संशोधित रूप में, पारित किया जाए।"

प्रस्ताव स्वीकृत हुआ।

MR. CHAIRMAN: Now the House stands adjourned to meet again tomorrow at 11.00 A.M.

**21.19 hrs.**

**The Lok Sabha then adjourned till Eleven of the Clock on**

**10th April, 2003/20 Chaitra 1925 (Saka)**

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